

By Mr. ROSECRANS: Petition of R. N. Smith, first lieutenant, and others, officers of the Twelfth Infantry, for passage of S. 1667—to the Committee on Military Affairs.

By Mr. CHARLES STEWART: Petition of citizens of Hardin County, Texas, asking for an appropriation to continue the work of harbor improvement at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Resolutions of the Board of Trade of the city of Minneapolis, Minn., requesting the passage of a national bankrupt act at this session of Congress—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of Mankato, Minn., protesting against the passage of any act that shall in any manner abridge, restrict, or limit the navigation of the Minnesota River—to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of Saint Paul, Minn., asking for liberal appropriations to the Post-Office Department, that they may extend and improve the present postal service, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: Petition of D. S. Ellen and many others, praying that John Granger be replaced on the pension-roll—to the Committee on Pensions.

By Mr. VAN EATON: Petition of over 100 citizens of Mississippi and Louisiana, for an appropriation to save the harbor of Natchez, Miss., and Vidalia, La.—to the Committee on Rivers and Harbors.

Also, papers relative to the necessity of the same—to the same committee.

By Mr. VAN ALSTYNE. Resolutions of the Board of Trade of the city of Albany, N. Y., recommending the passage of a general bankrupt law—to the Committee on the Judiciary.

## SENATE.

MONDAY, April 7, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

### MESSENGER IN DOCUMENT-ROOM.

The PRESIDENT *pro tempore* laid before the Senate the following letter from the Sergeant-at-Arms; which was read, and, with the accompanying report, referred to the Committee on Rules, and ordered to be printed:

SERGEANT-AT-ARMS, UNITED STATES SENATE,  
Washington, April 7, 1884.

SIR: I most respectfully call your attention to the inclosed report from the superintendent of the document-room. It will be seen that the young man is incapacitated for the duties required of him. Having been appointed by a resolution of the Senate, I request the further pleasure of your honorable body concerning the same.

Very respectfully, your obedient servant,

W. P. CANADAY,  
Sergeant-at-Arms United States Senate.

To Hon. GEORGE F. EDMUNDS,  
President Senate.

### PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a memorial signed by leading citizens, manufacturers of Lima, Ohio, remonstrating against the passage of certain House bills and also certain Senate bills which they represent are inimical to the interests of inventors and patentees. I also present a memorial somewhat similar in character from citizens of Dayton, Ohio. I move that the memorials be referred to the Committee on Patents.

The motion was agreed to.

Mr. MAXEY presented the petition of H. McBride Pridgen, of Texas, praying an amendment of the extradition treaty between the United States and Mexico; which was referred to the Committee on Foreign Relations.

Mr. GEORGE presented the petition of Mary D. Hamilton, Francis D. Hamilton, Mrs. L. M. McKinney, and J. D. Hamilton, of Marshall County, Mississippi, and the petition of Susan W. Goode, of Marshall County, Mississippi, praying payment for certain stores and supplies taken and used by troops of the United States in 1862 and 1863; which were referred to the Committee on Claims.

Mr. MANDERSON presented a memorial of merchants of Omaha, Nebr., and other places, remonstrating against the repeal of the act of March 1, 1879, concerning the manufacture of vinegar; which was referred to the Committee on Finance.

Mr. CONGER presented the memorial of John K. Boies and 148 other citizens of Michigan, remonstrating against the passage of the House bill decreasing the time in which patents shall run; which was referred to the Committee on Patents.

Mr. HARRISON presented the petition of Boothroyd Post, No. 31, Grand Army of the Republic, Department of Indiana, praying for the passage of certain relief measures for the benefit of soldiers now pending in Congress; which was referred to the Committee on Pensions.

Mr. DOLPH presented two memorials of citizens of Franklin County, Washington Territory, remonstrating against the forfeiture of the land grant of the Northern Pacific Railroad Company; which were referred to the Committee on Public Lands.

Mr. BUTLER presented the petition of I. N. Sutherland and 75 others, citizens, merchants, and business men of South Carolina, praying for the passage of what is known as the "brewers' bill," now pending in Congress; which was referred to the Committee on Finance.

### REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom were referred certain amendments intended to be proposed to the bill (S. 1876) providing for an inspection of meats for transportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, to report the same, and ask that the bill be reprinted with these amendments.

The PRESIDENT *pro tempore*. The bill will be reprinted with the additional amendments now reported from the committee, if there be no objection.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1881) for the relief of W. H. Tibbits, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2004) for the relief of W. H. Tibbits; which was read twice by its title.

### IRRIGATION IN CALIFORNIA.

Mr. PLUMB, from the Committee on Public Lands, reported the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed for the use of the Senate 1,000 copies of Executive Document No. 290, first session Forty-third Congress, relating to irrigation of the San Joaquin, Tulare, and Sacramento Valleys, California.

### BILLS INTRODUCED.

Mr. McMILLAN (by request) introduced a bill (S. 2005) to authorize the Court of Claims to investigate the claim of George F. Brott for logs used in the construction of Fort Abercrombie, Dakota Territory, and to give judgment for the same; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2006) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," approved August 5, 1882; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. GEORGE introduced a bill (S. 2007) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was read twice by its title.

Mr. GEORGE. I introduce this bill by request. I wish to state that I do not indorse nor condemn the bill, for I have not read it. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. WILSON introduced a bill (S. 2008) to provide for the payment of the amounts that may be found to be due to postmasters under the act of March 3, 1883, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE introduced a bill (S. 2009) granting a pension to Isabella Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2010) granting a pension to John S. Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2011) granting a pension to Mary M. Lyon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2012) for the relief of James Bainter; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2013) for the relief of George S. Comstock; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 2014) to amend section 4419 of the Revised Statutes of the United States, and for the better protection of lives of passengers and others carried on steam vessels; which was read twice by its title, and referred to the Committee on Commerce.

### ABOLITION OF PRIZE-MONEY.

Mr. BECK. I submit the following resolution, and ask that it may be acted upon now, unless there is objection:

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether in his opinion the efficiency of the Navy would be impaired by the repeal of all laws granting prize-money in any form to the officers and sailors of the Navy of the United States as now provided for by title 54 of the Revised Statutes, giving such reasons for or against a repeal of said provisions as he may think desirable for the information of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BLAIR. If it should lead to any lengthy debate I should like to reserve the right to object.

Mr. BECK. I have not a word to say about it. The reason why I desire it is that we are now entering on the building of a new navy. A number of steel cruisers are already ordered, and the appropriation bill which will be before the Senate to-morrow provides for still others. They are not to be ships of war in the proper sense. The ships that

will have to do the fighting will be the ironclads and others. I thought perhaps it would be well to ascertain whether it would not be wise to abolish prize-money.

Mr. BLAIR. It is simply a call for information, and if the Senator does not anticipate debate upon the resolution I shall not object to its consideration.

Mr. BECK. It is simply a call for information, to know what would be the effect upon the Navy if that were done, with a view of providing for it, unless there is shown good reason why it should not be done.

Mr. BLAIR. I have no objection, unless it should lead to protracted debate, in which case I reserve the right to object; that is all.

The resolution was considered by unanimous consent, and agreed to.

#### CAMP DOUGLAS MILITARY RESERVATION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order is closed. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. BLAIR. I move that the Senate now proceed to the consideration of the unfinished business.

Mr. WILSON. Will the Senator yield to me for a moment?

The PRESIDENT *pro tempore*. The Chair will first state the question. The Senator from New Hampshire moves that the Senate proceed to the consideration of Senate bill 398, known as the educational bill. Does he yield to the Senator from Iowa?

Mr. BLAIR. Yes, for a formal matter.

Mr. WILSON. When Senate bill 478 was reached under Rule VIII I objected to its consideration, and consequently it went over to be considered under Rule IX. The Senator from South Carolina [Mr. HAMP- TON] is anxious to have the bill restored to its place under Rule VIII. I have examined the report accompanying the bill since I made the objection, and I am content to withdraw it in order that the bill may be restored to its place on the Calendar.

Mr. PLUMB. What is the bill?

Mr. WILSON. It is the bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas Military reservation, in the Territory of Utah.

The PRESIDENT *pro tempore*. The Senator from Iowa asks, pending the motion of the Senator from New Hampshire, unanimous consent that the bill indicated by him be placed at the head of the Calendar, under Rule VIII, as the Chair understands. Is there objection? If there be no objection, the bill will be at the head of the Calendar under Rule VIII.

#### CHARLES BREWSTER.

Mr. COCKRELL. Pending the consideration of the motion of the Senator from New Hampshire, I ask that Order of Business 413, being the bill (S. 651) to authorize the President to restore Charles Brewster to his former rank in the Army, which was reported adversely by the Senator from Indiana [Mr. HARRISON], be recommitted to the Committee on Military Affairs. There is no objection to it. It is only a formal matter.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from New Hampshire, the Senator from Missouri asks unanimous consent that the bill indicated by him be recommitted to the Committee on Military Affairs. If there be no objection that order will be entered.

Mr. COCKRELL. I ask that the papers in relation to the case be taken from the files of the Senate and referred to the committee.

The PRESIDENT *pro tempore*. The bill will be recommitted, together with the accompanying papers.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing the penalty therefor.

#### AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the motion of the Senator from New Hampshire [Mr. BLAIR] that the Senate now proceed to the consideration of the educational bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. HOAR, in section 1, line 3, to strike out "ten" before "years" and insert "eight;" so as to read:

That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit:

And in line 5, after the words "to wit," to strike out:

The first year the sum of \$15,000,000, the second year the sum of \$14,000,000, the third year the sum of \$13,000,000, and thereafter a sum diminished \$1,000,000 yearly from the sum last appropriated, until ten annual appropriations shall have been made, when all appropriations under this act shall cease.

And insert in lieu thereof:

The first year the sum of \$7,000,000, the second year the sum of \$10,000,000, the third year the sum of \$15,000,000, the fourth year the sum of \$13,000,000, the fifth year the sum of \$11,000,000, the sixth year the sum of \$9,000,000, the seventh year the sum of \$7,000,000, the eighth year the sum of \$5,000,000.

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. BROWN], the Chair believes, is entitled to the floor.

Mr. BROWN. Mr. President, during the learned and eloquent argument submitted by the honorable Senator from Alabama [Mr. MORGAN] on Friday and Saturday last, as I understand the argument he took strong ground against the constitutionality of the present bill, assuming the position that the States alone have the power and the right to educate the children of the respective States. To establish more conclusively this position he read from the constitutions of several of the States as they existed prior to the formation of the Constitution of the United States and subsequent to that period, assuming that the constitutional provisions that were contained in the constitutions of the respective States clearly contemplate the exclusion of Federal interference in the education of the people and the assumption and ability on the part of the States to discharge that task. The honorable Senator used the following language:

Mr. President, when the Senate adjourned yesterday I was submitting for its consideration something of the constitutional history of the States at the time and before and subsequent to the adoption of the Federal Constitution in respect of the measures which they took to foster and promote the education of the people. My purpose in that reference was to show that the several States of the Union had taken that subject entirely into their own charge; that they had provided amply for the education of the people through their respective constitutions, and that therefore the education of the people was a subject connected, it is true, intimately with the general welfare, but belonging to that part of the general welfare which was left purposely in charge of the States.

There the position is taken that the States by their constitutions have taken the subject entirely into their own charge, and provided amply for the education of the people.

Among other constitutions referred to was the constitution of my own State, which has always had a liberal provision in reference to the education of the people both in the primary branches and in the collegiate branches of education.

The Senator from Alabama, however, by some inadvertence passed over the constitution of his own State, which is itself very liberal on that question. I find in the constitution of Alabama, article 12, section 2, the following language:

The principal of all funds arising from the sale or other disposition of lands or other property which has been or may hereafter be granted or intrusted to this State, or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

That refers to lands and other property donated or given by the United States heretofore or hereafter. It seems, therefore, in making ample provision for the education of the people, that the State of Alabama doubtless, as the Senator says, considered it had done so, but as a part of that means it provided for the acceptance of donations of land or other property from the Government of the United States and for an inviolate good faith and proper disposition of the proceeds of the sales of the lands and other property.

I do not know exactly what other property was referred to unless it may have been in contemplation that money was property. I suppose it was not contemplated by the convention of the people of Alabama in forming the constitution of Alabama that the Government of the United States would donate not only lands, but the custom-house at Mobile, or some other property of that character, as the barracks wherever there may be any, for educational purposes. It intended to use "property" no doubt in its broadest sense, and include money or any other kind of property. There is the expressed provision in the constitution of Alabama as one of the means of educating the people for the care and protection of the proceeds of all donations heretofore made or hereafter to be made by the United States to the State of Alabama.

But this was not all. Since the adoption of this constitution of Alabama the honorable Senator himself has on more than one occasion introduced in the Senate a bill to donate forty-odd thousand acres of the public lands to Alabama to aid in rebuilding the University of Alabama. It seems, therefore, to be convenient to the people of Alabama to have a little assistance occasionally from the Government of the United States in carrying out their great educational system.

I recollect in the Forty-sixth Congress I voted, I think, with the honorable Senator from Alabama for a donation of land for the university of that State, and the bill passed this body. It did not probably get through the House of Representatives. I am not sure but we passed the same bill again at this session.

Mr. PUGH. The same bill.

Mr. BROWN. We had it before us, and I am right; it was passed. So that the Senator has persistently kept up his line of application to the United States Government for aid to rebuild the University of Alabama, and we have granted them forty-odd thousand acres of land so far as the Senate can grant it at this immediate session, to say nothing of our action at a previous session.

I think we did right. But still it seems that the State of Alabama is not conducting her educational affairs entirely under her own control and with her own means. As I have said, it is very convenient



occasionally to have a little help from the Government of the United States; and her Senator has been vigilant in securing it.

In 1862 Congress passed an act known as the land-grant act, in which it made provision for the distribution of certain quantities of public land among the several States in aid of education of a particular character or particular characters. I want to refer to that act, or at least to a section of it, as I believe the State of Alabama availed herself of the benefit of that act. She certainly was entitled to it, and, if I recollect correctly, she took the benefit of it. That act contained a section that in making the donation to the States the Government did not do so without imposing terms and restrictions, but there were restrictions even in that act. The section I refer to reads as follows:

That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than 5 per cent. upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

There is a provision, however, that it is to be done notwithstanding the restrictions that are put upon the use of the fund in such manner as the Legislatures of the States may prescribe. Probably all the States had prescribed the manner of disposing of this fund that endowed agricultural colleges with certain powers and with certain qualifications, and they had excluded females from some of those colleges. There was a grievance it was thought by some, and yet if the matter were left entirely in charge of the States, and no provision made by Congress on the subject, females were perpetually excluded, could not come in, could have no share in this fund. The question came up then very naturally whether Congress ought not further to interfere and regulate that matter notwithstanding this donation, and whether females ought not to have an equal participation in the fund; and there the honorable Senator from Alabama with commendable zeal, and in a good cause it was, too, came to the front. When the educational bill known as the Morrill bill was up in the Forty-sixth Congress for discussion the Senator offered the following amendment:

And said last-mentioned act of Congress is hereby amended so as to require each State and Territory to establish in said colleges schools for the instruction of females in such branches of technical education as are suitable to their sex.

That would look a little like an interference with the will of the State. This fund had been given to the State, having been raised by the sale of lands donated to the State, for certain educational purposes, which were prescribed in the act, and she had excluded females. With that action the Senator from Alabama was justly indignant, and he offers the amendment to the bill, he states, to admit females, for that is the purport of it, and, as I shall show by his argument, that was the object he had in view. I think it was a proper amendment, and I believe I voted with him for it, because I thought it ought to be incorporated. In discussing that question the honorable Senator said:

But the construction of the law placed upon it by the men who have in charge these institutions needs to be remedied and corrected, and that is the main purpose of my amendment.

The purpose was to remedy and correct the action of the State on this subject as to the use they would make of the fund.

Mr. MORGAN. The act of Congress, not the State—the act granting the donation to the schools.

Mr. BROWN. Well, we will see a little further on how that is:

My amendment—

Says the Senator—

My amendment, however, goes further than that; it reaches to that part of the education of the common people of this country at this day and time which is most requisite for their real preparation for the ordinary and compulsory duties of life. Of course a common-school education in the elementary branches of learning is not to be dispensed with; that is an indispensable basis of all technical education; but we are devoting ourselves, it seems to me, exclusively in this law either to the teaching of the mere elementary branches, to which women may be admitted, or when we pass beyond that, of teaching the technical branches of education only to men. The doubt and difficulty in which the construction of this statute involves the subject, it seems to me, ought to be removed by an act of Congress, and the amendment which I propose is directed precisely to that point. I desire to make it not only permissive in these schools to receive women for education, but to make it compulsory—

That is, the State has not disposed of this fund as she ought to have done, or she does not let the class come in that ought to come in, and the Senator proposed therefore to make it compulsory on the State schools to admit that class; or, in other words, *compulsory* on the State to admit that class into these schools—

that they shall provide a school within this college somewhere or in some way by which the women of the land may be enabled to be taught branches of industry which will be useful to them in their maintenance and in the establishment of their independence as people.

That doctrine seemed a little strong to some of the Senators, and the Senator from Vermont [Mr. EDMUNDS] interrupted and said:

May I ask the Senator a question for information?

Mr. MORGAN. Certainly.

Mr. EDMUNDS. I wish to know where we get the authority to change the terms

upon which the States accepted these grants, which were complete in themselves at the time, and which were not continuing like this present bill, there being, so far as I saw when I looked at it just now, no provision that Congress reserved the right to change the provisions under which the States were to accept the donation?

Mr. MORGAN. We are making an additional donation, conferring an additional bounty on the State.

Mr. EDMUNDS. Not for the benefit of the agricultural colleges.

Mr. MORGAN. Oh, yes; they are expressly named here as receiving a large part of this.

Mr. EDMUNDS. As far as that would go, we could impose terms.

Mr. JONES, of Florida. Is not a portion of this fund to go to the existing agricultural colleges?

Mr. MORGAN. Expressly.

Mr. JONES, of Florida. One-third of it?

Mr. MORGAN. A very large proportion of it is to go to the agricultural colleges as they are now established, under this bill, and I suppose, of course, that in the appropriation of additional money to the agricultural colleges we have the right to introduce terms, and we can make it a condition, if we choose, that the States shall not have the benefit unless they adopt the terms.

Again the Senator from Alabama says:

There is scarcely a State in the Union that devotes any specific attention to this very matter, and it is time that the Congress of the United States had at least set the example to the States, and now that it has a favorable opportunity I hope that Congress will not fail to do so.

Congress then, it seems, had the constitutional power to set the example.

The Senator from Alabama proceeds:

It is very true that under ordinary circumstances the establishment and endowment of schools of technology requires a good deal of money, requires quite a variety of professors and instructors and tutors in various branches of industry which our people are following in the land, and it is equally true that the amount of money which is to be raised under this bill is comparatively a small one. Some Senators have expressed the hope and the confidence that this fund will hereafter be added to. I join very heartily in that hope and in that confidence, and that not only this fund will be increased by private contributions, but that hereafter we shall find other means arising from the general Treasury of the United States for the purpose of aiding in this very important movement, I think one of the most important movements which have ever addressed themselves to the civilization of the people of the United States.

There the Senator does not seem to have been drawing the fine-spun distinction, as it seems to me it is, between donating land and the proceeds of land or the land that belongs to the Government and the money that belongs to the Government, but he looks to the time when the fund will be added to not only by individual donations but from the general Treasury of the United States. That was not unconstitutional at that time according to the opinion of the Senator from Alabama.

I will send to the desk and ask the Secretary to read something further that I have marked.

The Secretary read as follows from the RECORD:

Mr. MORRILL. May I ask the Senator from Alabama if he does not believe this is a question that had better be left to the several States, when all but fourteen of these colleges have already admitted women to all their privileges, and the very institution that he has mentioned was established by the agricultural-college fund?

Mr. MORGAN. I should be entirely willing to do that; but we have been nearly twenty years conducting these colleges or some of them under this law, and yet, as I have remarked, there are only half of them—there is less than half of them—that admit women at all to the colleges. They are barred from going there by regulations of the institution, and in not more than three or four of all these colleges are there any special schools of instruction in reference to the common industries of life. The experiment has been a failure, if that was one of its purposes.

Mr. MORRILL. The Senator of course is aware that one great reason in the smaller States is that the fund has not been sufficient.

Mr. MORGAN. I think the fund ought to be sufficient for that purpose, before almost any other you could name, except to teach the elements of an English education. The fund has been quite sufficient to have in all these agricultural colleges boys decked out in military gear, with bands of music and drums, and drill officers sent there for the purpose of training them as soldiers. I do not know one, perhaps there are some, but I do not know one of these agricultural colleges which is not a regular barrack, a camp of soldiery, where the youths of the country are made to step about and strut about in uniforms, wearing swords and carrying guns—in my judgment a very useless waste of money.

Then, again, there are large numbers of professors in these colleges, quite an extraordinary number of them, far more than is necessary to teach the simple branches of education which are taught in these colleges. There is a great loss of money there. We leave it to the States, of course, but I am disposed to put some restriction upon the expenditure of this money hereafter, and I think that one class of people who are totally neglected and totally unprovided for ought to be provided for by an act of Congress, which shall require the State schools to admit women; I do not mean into the college proper on the basis of coeducation with boys, but I mean that they shall be admitted into schools prepared for them, and that the purposes of these schools shall be directed specifically to their education in the ordinary industries of life and in a great many technical pursuits where they can earn the means of subsistence.

Mr. BROWN. I find in the speech of the honorable Senator from Alabama delivered on Saturday last this language:

What I complain of is the exercise of the power by Congress in this bill to follow that fund after it has been donated and the power to call the States to the bar of the Senate, year after year, upon their reports for the judgment of this body and the other House upon their conduct.

I do not wish to see the proud State of Alabama arraigned at the bar of the Senate of the United States to answer how she has disposed of money, come from what source it may, in the discharge of a duty which she owes to her own citizenship.

The greatest trouble of the Senator in regard to the present bill is the interference with the States by calling them to the bar of the Senate and House of Representatives to make a showing as to how they have disposed of this property. It would seem from the remarks just read from the Senator from Alabama that he was finding a great deal of fault with the way the States had disposed of the agricultural college fund, and especially with the way the boys were rigged out in military



uniform as if at a camp of instruction, and the fact that they had refused to permit females to participate and be educated in the colleges, and he was at that time for regulating that matter and putting in restrictions and conditions. It seem to me therefore that the position that the Senator took then is hardly reconcilable with the one that he takes now on this question. It is not important that it should be, because wise men change when they are satisfied they are wrong. I want to read a little further from the Senator's speech on this same question:

If this provision should have no other effect than merely to distribute information of that sort among the people of the United States at large, and particularly among the uneducated people of the section of country in which my friend from Georgia lives and in which I live, the accomplishment of that one result would be quite sufficient to justify us in making this requirement upon the States.

The language there is "requirement upon the States." Again:

I ask the Senate to adopt this amendment because I believe it will be the starting-point of a very great movement in this country. I believe that it can not possibly do any harm; that it does not in the slightest degree embarrass the bill, which has all of my sympathy and will have my support. I commit it to the candid attention of the Senate and ask for it their support.

Mr. President, these are rather strong expressions that I have read from the speech of the honorable Senator on the Morrill bill. I will summarize them a little, quoting the language of the Senator in only parts of the sentences. "No reason for despairing of success if we shall make it *compulsory* on the States to adopt a system of this kind;" "quite sufficient to justify us in making this *requirement* upon the States;" "I am disposed to put some *restrictions* upon the expenditure of this money hereafter;" "this class ought to be provided for by act of Congress, which shall require these schools to admit women; that the purpose of these schools shall be *directed specifically* to their education in the ordinary industries of life," &c. Again he says: "I join very heartily in that hope and in that confidence that not only this fund will be increased by private subscriptions but that hereafter we shall find other means arising from the *general Treasury* of the United States for the purpose of *aiding* in this very important movement—I think one of the most important movements which have ever addressed themselves to the civilization of the people of the United States." Again he says: "We have the right to introduce *terms*, and we can make a *condition* if we choose that the States shall not have the *benefit* unless they *adopt the terms*;" "I desire to make it not only permissive in these schools to receive the money for education, but to make it *compulsory* that they shall provide a school within this college somewhere or in some way by which the women of the land may be enabled to be taught branches of industry," &c.

These were the expressions used by the honorable Senator from Alabama in reference to the *compulsory means* and the *terms* to be adopted when the States had not carried out the trust in reference to the agricultural-college scrip as he thought ought to have been done. I find no fault with these utterances. I thought they were wise at the time. I voted with the Senator. He voted for the bill and so did I, and I still think Congress when it appropriates the money has the power he claimed for it in this very able speech.

It may be proper, however, that I should refer to the bill known as the Morrill bill and see what were its provisions in reference to the imposition of terms, reports, &c. I mean the bill that the Senator from Alabama and I voted for. There are two sections of the bill bearing on that subject that I send to the desk and ask to have read. One is on page 221 and the other is on page 227 of the same volume of the RECORD. It is in small print.

The Chief Clerk read as follows:

SEC. 6. On or before the 1st day of September in each year the Commissioner of Education, under direction of the Secretary of the Interior, shall certify to the Secretary of the Treasury as to each State, Territory, and district, whether it is entitled to receive its share of the apportionment under this act, and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress, in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner. If Congress shall not at its next session direct such share to be paid, it shall be added to the general educational fund.

That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year until January 1, 1885, and thereafter four months in each year, a system of free public schools for all the children within its limits between the ages of 6 and 16, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report to the Commissioner of Education of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintaining a system of free public schools.

Mr. BROWN. Mr. President, I have had those two sections of the Morrill bill read to show what were the provisions of the bill for which the Senator from Alabama and I voted in reference to the reports that were to be made by the States and the power that was reserved to Congress over the fund. I think if the Senator will compare these provisions with the provisions in the present or Blair bill, he will find that they were quite as onerous and quite as stringent as those of this bill. The States not only had to report the number of schools, the number of school-houses owned, the number of school-houses rented or

hired, the number of children in the schools, how long they had been taught, that the schools up to a certain period must be kept open three months in the year, after that period four months, and a long list of this kind of items that must be embraced in the reports made by the different States, and if the States refused or neglected to make the reports then there was an officer here, the Commissioner of Education, who was authorized to look into the matter, and if he was not satisfied with the reports he was authorized to withhold the fund from the State until Congress passed an act relieving the State.

It is true, that under it the State of Alabama, the State of Georgia, and other States might be brought to the bar of the Senate and House, as the Senator from Alabama said in his speech on Saturday. That was the unpleasant part of the bill; but notwithstanding that provision in the bill the Senator from Alabama supported it and spoke in very high terms of the measure. It is true that he and I both voted to strike out these provisions, but when a majority of the Senate refused to strike them out we both voted for the bill, and I think we did right under all the circumstances.

Mr. Kernan, then a Senator from New York, moved to strike out the provision in reference to the power of the Commissioner of Education to withhold the fund. I am not sure whether there was a motion to strike out the other section or not. At least that was the distasteful part of it; but under all the circumstances, believing it was constitutional and that we had the right to pass the bill, we voted for it with these provisions contained in it. There is nothing in the present bill that seems to me to be more objectionable or more stringent than the provisions in that bill for which most of the Democrats as well as Republicans voted.

Now, Mr. President, I desire to add in this connection that the Morrill bill appropriated the whole proceeds of the sales of the public lands, and the income from the Patent Office, as an educational fund, the principal of which was to be annually invested in 4 per cent. stocks of the United States, and the interest only distributed. On motion of Mr. Teller, Senator from Colorado, that was changed in Committee of the Whole so as to distribute the principal, but in the Senate there was a failure to concur in that amendment, and as the bill passed the Senate it provided for the distribution of only the interest of the fund. I presume it will not be denied by the honorable Senator from Alabama or any other Senator that that was an appropriation of money belonging to the United States—money that had been raised by taxation, at least so far as the Patent Office money was concerned. The Senator from Alabama shakes his head. I shall therefore have to read a few authorities on that subject. I thought my friend the Senator from Mississippi [Mr. GEORGE] made that question so clear the other day in his very able speech on the subject that it would not longer be questioned that money raised in that way is money raised by taxation; but as the Senator from Alabama still denies it, I will refer to the authorities. Story on the Constitution, volume 1, section 950, says:

In a general sense all contributions imposed by the Government upon individuals for the service of the State are called taxes, by whatever name they may be known, whether by the name of tribute, tithe, tallage, impost, duty, gabel, custom, subsidy, aid, supply, excise, or other name. In this sense they are usually divided into two great classes, those which are direct and those which are indirect. Under the former denomination are included taxes on land, or real property, and under the latter taxes on articles of consumption. The Constitution, by giving the power to lay and collect taxes in general terms, doubtless meant to include all sorts of taxes, whether direct or indirect. But it may be asked, if such was the intention why were the subsequent words "duties," "imposts," and "excises," added in the clause? Two reasons may be suggested; the first, that it was done to avoid all possibility of doubt in the construction of the clause, since in common parlance the word "taxes" is sometimes applied in contradistinction to duties, imposts, and excises, and in the delegation of so vital a power it was desirable to avoid all possible misconception of this sort; and, accordingly, we find in the very first draught of the Constitution these explanatory words are added. Another reason was that the Constitution prescribed different rules of laying taxes in different cases, and therefore it was indispensable to make a discrimination between the classes to which each rule was meant to apply.

That is very high authority, and it is certainly too broad to admit of any doubt as to the meaning of it.

I read now from Cooley's Constitutional Limitations. He says:

Taxes are defined to be burdens or charges imposed by the legislative power upon persons or property to raise money for public purposes. The power to tax rests upon necessity, and is inherent in every sovereignty. The legislature of every free state will possess it under the general grant of legislative power, whether particularly specified in the constitution among the powers to be exercised by it or not. No constitutional government can exist without it.

I need not read all the author says on that subject. It is sufficient to say that *taxes* are defined to be "burdens or charges imposed by the legislative power." The legislative power imposes a burden or charge on every person who makes a discovery that he desires to have patented of paying into the Treasury a certain fee; that is, an amount of money raised by the imposition of an act of Congress. It is imposed by legislative authority, and it is therefore a tax.

Blackstone, in his Commentaries, which I thought I had before me but I have not at this minute, lays down the rule that the receipts from the post-office fall under this head. I think I need not elaborate that. It seems to me there is no sort of question about it, that an amount of money raised by authority of law from citizens, no matter whether it be a fee paid for the privilege of getting a patent or whether it is a fee paid for a license to distill whisky, or whether it is a fee paid for a



license to sell tobacco, or any other imposition of like character, is a tax in the general sense of the term.

Therefore, Mr. President, I take it that the Morrill bill provided for the distribution of a portion of the money raised by taxation among the States for educational purposes, and not only so, but it provided for the distribution of the entire proceeds of the sales of the public lands—no matter where they came from, what part of the Union or what part of the Territory, if the public lands were sold, the income was paid into the Treasury of the United States and became the money of the United States, and became subject at once, if the bill had become a law, to be set apart as an educational fund.

I know there have been fine-spun distinctions attempted to be drawn here between the voting of lands belonging to the people and the money belonging to the people. The question was very properly put by the honorable Senator from Indiana [Mr. VOORHEES] the other day when the honorable Senator from Mississippi [Mr. GEORGE] was delivering his fine speech on this question: suppose we were to distribute the land in Alaska for which we paid \$7,000,000 raised by taxation on the people, would we have a right to do it? The honorable Senator from Mississippi replied that we would, and we might then sell Alaska again and buy it back again and distribute it every time over and over. If it is necessary to go through all that humbuggery each time or the proceedings necessary to meet that fine-spun distinction, I had rather say, we should only have to buy Canada or Cuba occasionally and distribute the proceeds for the education of the people. There would be no objection to that it seems; that would be constitutional; but we can not take the money, it is said, out of a sum that has been raised by taxation. I have shown though very clearly, whatever dispute there may be about land, that the money raised by the Patent Office is a tax, money belonging to the people of the United States in the Treasury, and the Senator from Alabama voted to take it out of the Treasury and distribute it for this very purpose.

Mr. JONES, of Florida. Allow me to ask whether there be any distinction between a bill to provide for the education of the mass of the whole American people and the education of the blind people of the United States?

Mr. BROWN. I am not able to see how there can be any distinction so far as the question of power is concerned. If the Government of the United States has the right to educate the blind, it has the right to educate those who can see. If it has the right to educate in the primary branches, it has the right to educate in high schools or in colleges. There can be no distinction in principle.

Mr. BUTLER. May I ask the Senator from Florida if the United States Government has ever done such a thing as to educate the blind in the respective States?

Mr. JONES, of Florida. It has appropriated a large sum of money out of the tax-payers as a fund to aid in the education of the blind.

Mr. BUTLER. Precisely; but that does not answer the question I put to the Senator. I asked him if Congress had ever made an appropriation such as is contemplated by this bill to educate the blind.

Mr. BROWN. I will show when the time comes what Congress has done.

Mr. JONES, of Florida. I will say that in the Forty-fifth Congress a bill passed both Houses appropriating \$150,000 in aid of the education of the blind. The bill shows for itself.

Mr. BUTLER. Upon what plans?

Mr. JONES, of Florida. The details I do not go into. The principle is what I speak of—as to the question of power.

Mr. BUTLER. Congress makes very large appropriations for the Military Academy at West Point; so it does for the Naval Academy at Annapolis; but they are confessedly national institutions.

Mr. JONES, of Florida. This was a Kentucky institution, located in Louisville.

Mr. BUTLER. I believe the Government has built an asylum for the deaf-mutes in this District, but that the Government has clear and unquestionable jurisdiction over—

Mr. JONES, of Florida. This was not for the District.

Mr. HOAR. The Senator will pardon me. Unless I very much err in my recollection, Congress passed a bill making quite a liberal grant to the blind asylum in the State of Kentucky, which was carried through under the direction of the honorable Senator from Kentucky [Mr. BECK] a few years ago. I aided somewhat in its passage.

Mr. BUTLER. That was not the point I made to the Senator from Florida. That applies to only one State. Is there any bill that has been introduced in Congress and passed that appropriated money for all the States alike, thus interfering with the domestic affairs of the States? That is the point I want answered. I want some Senator to tell me where Congress has appropriated one dollar of a character such as is contemplated in this bill.

Mr. BROWN. I prefer to pass that. It will lead to long discussion.

Mr. BUTLER. I beg pardon.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Georgia resumes the floor.

Mr. BROWN. Mr. President, I am aware that a great deal has been said here about the views taken of the powers of Congress in the early period of the Government by Jefferson and other distinguished patriots

of that day, and it has been said that they did not find in the Constitution a grant for the education of the people, and the honorable Senator from Texas [Mr. MAXEY] read from one of Jefferson's messages on Saturday afternoon to show that fact. I only want to refer to one sentence of the portion of the message which was read by the Senator from Texas. Referring to the indirect tax-payers, Jefferson says:

Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.

The Senator read that to show that Mr. Jefferson thought it was necessary to change the Constitution before Congress could appropriate money to aid in the cause of education; that it was necessary to add further enumerations to the Federal powers; but let it be borne in mind that in the very same sentence Mr. Jefferson classed roads and rivers and canals with education. If it is necessary to have an amendment of the Constitution and an enlargement of the enumerated powers before you can appropriate money for education, Mr. Jefferson being the authority, then, as the honorable Senator from Florida [Mr. CALL] stated so well in his able speech of Saturday evening, where do you get the authority to appropriate money for the improvement of rivers and harbors if you can not make appropriations for education? Jefferson classed the two together. In the sentence I read from his message Jefferson spoke of the necessity of an enlargement of the enumerated powers of the Federal Government before you could appropriate money for either. There has been no such enlargement on this point, as Senators I suppose will all admit, and still at every session of Congress, while the question is raised as to our right to appropriate money for education, we do appropriate large sums for the improvement of rivers and harbors. Where do we get the power to do the one and not the other? Mr. Jefferson classed them together.

Mr. BAYARD. May I answer?

Mr. BROWN. Yes, sir.

Mr. BAYARD. Undoubtedly Mr. Jefferson made the statement that the Senator has read from his message. About twenty-four years after that time the case of *Gibbons vs. Ogden* was heard in the Supreme Court, and the argument of Mr. Webster and the judgment of Chief-Justice Marshall not only urged but determined that the subject-matter of rivers and harbors was exclusively under the control of the National Government. That opinion was the reflex of the public opinion, and it has been acted upon from that day until this without a questioning voice anywhere.

Mr. BROWN. What was the date of that opinion?

Mr. BAYARD. The decision was in 1826, and that decision was in accord and has been accepted without dissent in this country from any quarter that I have heard of. It has been followed by the court, and is laid down so luminously and so clearly as the great pathway of the national power over the rivers and harbors of the country as essentially a part of the national commerce, the power to regulate which was expressly given to Congress, that that has been the only accepted interpretation of the Constitution since the time it was so decided.

Mr. BROWN. Mr. President, there are two satisfactory replies to my honored friend from Delaware. One is that Mr. Jefferson classed the two together, education and rivers, canals and roads. If the Supreme Court has decided in one case that there was no necessity for an amendment of the Constitution, but that the power existed, then it is fair to suppose that Mr. Jefferson, having classed them together, the other question, if before the court, would have been decided in the same way. Mr. Jefferson had one of those master minds that did not make mistakes in these classifications. He saw and said that they both stood upon the same ground, upon the same common level. I do not quote his language. The Supreme Court has said since, in the case of one of them, according to the Senator from Delaware, that the power does exist without constitutional amendment. Then, if Mr. Jefferson is good authority, the power exists in the other also, and the constitutionality is established.

But I can not quite concur in recollection with my friend from Delaware in reference to this power never having been questioned since that time. I am very much mistaken in my recollection if it has not been questioned several times in the national Democratic platform since 1827. And a system of internal improvements by the General Government has been condemned over and over again in the platform of the Democratic party since the decision referred to.

The Senator from Delaware, therefore, is utterly at fault when he states that it has not been questioned. It may not have been questioned by the Supreme Court since that time, but prior to the late war it was questioned over and over again in the national platform of the Democratic party, of which he is an honored member. It is true, since the war we have yielded it. The Southern rule of strict construction then contended for generally controlled the Democratic conventions. We denied the power then, and still there were acts passed by every Congress giving aid to improve rivers and harbors in Northern and Western States. We refused to take the appropriations in the South, standing on principle, and we have greatly suffered by it; but now nobody questions it, neither the Democratic party in its conventions nor the Republican party in its conventions.



So much, then, for the objection that Mr. Jefferson thought there ought to be additional enumerations of Federal power before education or the improvement of roads or rivers and harbors could be taken up under the jurisdiction of the Congress of the United States.

Mr. BAYARD. May I interrupt my friend?

Mr. BROWN. Certainly, for a question or a suggestion.

Mr. BAYARD. Undoubtedly as each case arose, whether an appropriation was national in its character or whether it was for purely local interest, the principle was sought to be applied. As river and harbor bills have been presented to Congress in many cases, there could be so little pretense that the navigation of the Union, the commerce of the Union, was involved in local expenditures, that it has led to protest after protest, rather against the facts of the given case than against the broad principle which it is asserted had been established by the decision of the Supreme Court and I think to the satisfaction of every constitutional lawyer, and that is that the commerce of the Union is the only commerce. There is but one commerce as there is but one flag, and the jurisdiction over commerce is national and is not State.

That I mean to say; but when it comes to making an appropriation to a given river, to a given place on the seacoast, it may well be that the uses to which the river can be put are so restricted, so petty, and so confined that it does not rise to the dignity of commerce or of navigation, and therefore it has been said "it is local and not national; commit it, therefore, to the interest of the locality and not give it to the General Government." That is what I think is the truth about it.

I beg pardon of my friend for interrupting him.

Mr. BROWN. I am very glad of the interruption.

Mr. President, the reply is that Mr. Jefferson included the whole class of river and harbor improvements and road improvements in the sentence that I have referred to. The Supreme Court in Ogden's case referred to such rivers and harbors as are necessary in carrying on the general commerce of the country. The Senator now draws that distinction, and it is the correct one. But I want to call his attention to this fact. I say that now all parties vote for these appropriations. We have waived that doubt. If we can waive it in the matter of rivers and harbors, why can we not waive it in the much more important matter of the education of the people, where the very life of the nation, as has been said, may be at stake upon it? At every session of Congress we pass laws not only to improve these navigable streams such as are included in the decision in the Ogden case, but we pass them for other smaller rivers, like the French Broad in North Carolina and the Coosawattee in Georgia and trout streams in West Virginia, and yet the Democrats on this side almost unanimously vote for them.

Mr. BAYARD. Not unanimously.

Mr. BROWN. Almost unanimously. In other words, we have waived that. As General Jackson in his Maysville road veto, which was referred to by the Senator from Mississippi the other day, laid down the rule, that where there has been a long practice on a particular line of construction we have no right to set aside the practice established by construction. It is better to adhere to the rule of construction than to interfere by uprooting it. Now, we have done exactly that in the case of rivers and harbors; and if we could waive Mr. Jefferson's scruple as to rivers and harbors that do not come within the Ogden case, why may we not waive it when we come to the question of the education of the great mass of the people, where everything depends upon it. I do not say the life of the nation; I do not agree with the honorable Senator from Massachusetts [Mr. HOAR] on that subject. I do not say that we have the power or that we should have the power, if we have no other constitutional ground for it, to educate the mass of the people because Congress judges that the life of the nation hangs upon it. I do not believe that opinion is concurred in by any one on this side of the Chamber who votes for this bill. I certainly repudiate it; but still I say it is almost a vital question, a very important question at least, to educate the mass of the people, who are to be the future voters of the States and of the United States, for we have now to speak of voters of the United States under the late decisions of the Supreme Court.

I think it is rather late in the day to raise this constitutional question, and it seems to me my friend from Alabama was right about it in the Forty-sixth Congress and is wrong about it now.

Mr. President, one more point, and I shall not further enlarge. Such have been my pleasant relations with the Senator from Alabama and my high regard for him, and such are still my kind relations and my regard for him, that I should not have made any of these criticisms upon his course whether I thought it consistent or inconsistent if it had not been for what seems to me to be an uncalled-for and unjustifiable assault on his part upon those of us on the Democratic side of the Chamber who vote for this bill. That is the object and the only object I have had in view in reviewing his course on this great measure. I find in the RECORD of yesterday the following language:

Mr. HOAR. The total amount proposed by the amendment is \$77,000,000, and the amount in the original bill is \$105,000,000, \$28,000,000 difference.

Mr. MORGAN. That is a very small matter, \$28,000,000, in a bill of this description, but I would admonish the Senator from Massachusetts that it is really the interest of the friends of the bill to have the amount large, because he will lose votes for it if he does not keep the sum up to \$105,000,000. It is not the principle of the bill so much as the amount of money involved in it that gives it currency and popularity and strength, and as he is a friend of the bill he ought to manifest his friendship by keeping up the amount.

Mr. HOAR. I have said in the hearing of the Senator that I was a friend of this bill.

Mr. MORGAN. Then I hope the Senator will keep it up to the maximum rate of \$105,000,000, and I venture to suggest that he will weaken the bill very much, if he does not actually destroy it, because it will not do to undertake to get the Senators on this side of the Chamber committed to the principle of this bill without furnishing a very large amount of money as an inducement for their votes. [Laughter.] And if there is any disclosure of a policy of a reduction of this amount of money now or hereafter some of the Senators on this side will feel very badly if they should find that their friends on the other side were not going to give the amount of money which it has been understood was to be the fruit of this bill in consideration of their votes.

The amount of money to be the fruit of this bill in consideration of their votes! Mr. President, I say this was gratuitous, uncalled for, and unjustifiable on the part of the Senator from Alabama. He has no right to question my motives or the motives of any other Senator on the Democratic side of this Chamber on this bill or any other. He has no right to say that an amount of money was to be the fruit of the bill in consideration of our votes. That is virtually saying that we would barter our votes for a large enough sum, but you had better not cut down the sum, or they may not be willing to sell out for the smaller amount. Of course that was not the language, but I think that was the idea conveyed to the Senate and to the galleries when the "laughter" came in. I say this was unjustifiable on the part of the Senator. It was unkind, undignified, and unsenatorial.

Mr. President, I will not say that he committed the same error with the same motive that he attributes to us when he gave his vote for this principle precisely in the Morrill bill in the Forty-sixth Congress for a much smaller sum. That was only for one or two millions a year to be added to the school fund, the interest to be distributed, and even that with his then convictions was sufficient to carry his vote. His then convictions were that there was no constitutional difficulty about the bill, and he was right, therefore, in voting for it, if it had been but \$50,000 that controlled his vote. He would have done it under a sense of duty as effectively as if \$50,000,000 or \$500,000,000 were the amount proposed.

I voted with him at the same time for that small amount to be added to the fund to be distributed for the support of education. I believed I was right then. He believed he was right then. I believe I am right now, and I believe he is wrong now. But, while that is my opinion, I have never questioned his motives. He has certainly a right to change his opinion as he has done if he finds he is wrong, and he would neither be an honest man nor a brave man (and he is both) if he failed to change when he found he was wrong. Doubtless he has reasons that are conclusive to his mind why he should have changed his opinion on this question, and I admire him rather than condemn him for the change if he feels it was his duty, but while he is making the change he should be a little more charitable to his brother Senators who choose to continue to stand where he stood then and vote as he voted then.

Mr. VOORHEES. Mr. President—

Mr. JONES, of Florida. Will the Senator yield to me?

Mr. VOORHEES. For how long?

Mr. JONES, of Florida. Not long. It will be remembered that a short time ago a little colloquy occurred between the Senator from South Carolina [Mr. BUTLER] and myself, and I just want to make a remark; but if the Senator from Indiana prefers the floor—

Mr. VOORHEES. I would yield with great pleasure, as the Senator from Florida knows, and I would to the Senator from Alabama [Mr. MORGAN] who now rises, but perhaps I might as well make the few remarks which I design making at this time as any other, and the Senators will have the time they might occupy now after I get through.

Mr. VOORHEES proceeded to address the Senate. Having spoken till 3 o'clock,

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Indiana that by unanimous consent of the Senate the time for closing general debate has arrived—3 o'clock.

Mr. VOORHEES. I should like ten minutes more.

Mr. BUTLER. I move that the Senator have the time.

The PRESIDENT *pro tempore*. It is not necessary to make a motion. The Senator is entitled to speak. These understandings are not put from the Chair as orders of the Senate.

Mr. HARRIS. Still, in view of the fact that it was an understanding which the Senator from Indiana would not be willing to violate, I ask that the question be put to the Senate if unanimous consent is not given.

The PRESIDENT *pro tempore*. Is there objection, under the understanding that the Senator from Indiana be permitted to proceed? The Chair hears none.

Mr. VOORHEES. Mr. President, I only want to occupy the floor a few minutes in justice to my friend from Alabama. I feel that after the attention I have given to the Senator from Missouri the Senator from Alabama would feel justly hurt if I did not notice a most extraordinary matter connected with his argument on this floor.

Mr. VOORHEES. Mr. President, I have been a listener to this most instructive debate from the beginning, and it was my intention to have so remained to the end. No discussion in this body since the war has been of greater importance in my judgment or will be more fruitful or far-reaching in beneficial results than the one now drawing to a close. The measure itself now before the Senate has never been surpassed in



the elevation and benevolence of its spirit nor in the magnitude and value of its immediate and ultimate purposes.

But tempting as has been the subject and deeply interested as I have been, yet I would not have asked to detain the Senate a single moment had it not been for the tone of certain remarks made in the close of the discussion on Saturday evening by the Senator from Alabama [Mr. MORGAN] and the Senator from Missouri [Mr. VEST]. It seemed to be their object to make it appear disreputable for a Senator on this side to support this bill because it had met the approval of a caucus on the other side of the Chamber. I will have to entertain a far lower estimate of my own independence of character before I will be driven from doing what my conscience and my judgment conceive to be right because other people who do not agree with me on other subjects may agree with me on this one. I can imagine no argument less likely to influence my mind or conduct than such an one. Whether this bill has been the subject of caucus by Republican Senators I know not and care not. On a measure of this kind, so non-partisan, so utterly destitute of politics in every line and feature, I would meet with Senators of every shade of opinion anywhere and everywhere. I could meet in consultation with the other side of the Chamber on a measure like this without fearing any danger to my own position in my own party. A Senator whose party relations may be endangered or misunderstood by consulting with his political opponents on a measure of education, of progress, of the enlightenment of the people of this country of all parties, all classes, races, and conditions, must have very insecure and infirm political affiliations.

Mr. President, in the simplest way possible and in the briefest I propose to give some of the reasons why I look favorably upon this measure. It comes in the right spirit. Any measure coming here as a measure of peace between the sections should be received with grateful approbation by every lover of his country. In the organization of our Government there was a calamity interwoven with its very foundation, there was a cause of sectional strife and alienation, an element of eternal irritation and bitterness, an institution embodied in our fundamental law from which sprang the irrepressible conflict. For that institution one section is not more responsible at the bar of history than another. It resulted, however, in those scenes of ruin and disaster over which the whole country, the North and the South, have alike wept. Any measure, therefore, that comes here in the spirit of fraternity I welcome as a peace offering and rejoice in it as a means of harmony and restored unity.

Sir, as a measure of amity and good-will this bill comes from the right quarter; it comes from New England, and no nobler offering to the welfare of this whole country ever emanated from that section. Do Senators expect me, standing here as I do allied by blood and lineage to the South and representing in part a great Western State, to be less liberal toward the Southern people than New England? Indeed, no one has manifested any pleasure in opposing this great measure. Even those who oppose it on constitutional grounds openly lament the necessity of doing so, announcing with emphasis that all their sympathies are with the measure. The Senator from South Carolina [Mr. BUTLER], opposing the bill with great ability, nevertheless has recognized its kind and fraternal spirit. The Senator from Delaware [Mr. BAYARD], the Senator from Ohio [Mr. PENDLETON], and I believe the Senator from Alabama [Mr. MORGAN] have concurred in that view.

The good faith of this measure as one of conciliation and kindness to the South can not be questioned. It embraces the present and future generations of both races. The prejudices of New England and the North are laid aside in its provisions. It can not be said that its New England origin has caused any discrimination in favor of the colored race. It takes the illiterate white child by the hand as well as the illiterate black. Its object is to lay open the book of knowledge with an impartial hand.

Am I not justified, then, in saying that it is a great measure of conciliation such as we all would have gladly welcomed at any time during the last twenty years? What have good men prayed for more than any other one thing in this country? They have prayed for peace upon the troubled waters; they have invoked the spirit of reconciliation. I hail this great measure as the most progressive and powerful movement for reconciliation, peace, and harmony that has been known in the history of this Government.

But, Mr. President, there is another reason in this connection why I look with favor on this bill. It is a proper recognition of a just responsibility on the part of the whole people toward the negro race. It is sometimes contended that the Southern people should alone be charged with the care of the black man and black woman; that all the ills and burdens which have been entailed on the South are due to the fact that the South was solely responsible for slavery. At the date of the Revolution slavery existed by law in every American colony.

The responsibility for American slavery must be borne alike by the North and the South. The original act of injustice to the negro was the work of the whole American people. His enslavement was agreed to in the Constitution by every State, and it is eminently right that all alike shall now bear the burden of his education and join in rendering

him the aid which is his due. The curse of slavery fell on the colored man in the North as well as in the South, and it was never withdrawn from him in the North until his labor was unprofitable. All sections shared the responsibility and should share alike the just claims of the negro for such reparation as may be best for him and his race.

If the education and enlightenment of this once oppressed race is right in itself, then let the whole country take part in it; the work should devolve on no one section alone, even if that section was able to meet such a responsibility.

But, sir, if the work contemplated in this bill should be devolved on the South alone, what is the spectacle presented? Everybody concedes that the South is unable to accomplish it. I heard my distinguished friend from South Carolina [Mr. BUTLER] oppose the bill. I did not agree with him, and yet it afforded me pleasure to hear him. There was a magic in the manly courage with which he contended that the South was able for this stupendous task alone. God helps those who help themselves, and in the spirit of that doctrine I will respond to the Senator from South Carolina by saying that I will all the more cheerfully aid his people because of the fact that they are doing all they can to help themselves. In fact, I would have but little hope of the future if the Southern people themselves had fallen short of their duty.

The Senator made a strong showing of growth and progress in South Carolina and claimed for her the ability to do all that is requisite for the education of all her people of both races. I rejoice at the picture of prosperity which he displayed, but I fear to agree with him; and even if South Carolina can do all that is claimed, still there are other States which are powerless in the presence of the needs of their people. I love to see the Senator put his State to the front, take all the honor that is her due, and show that she has progressed, improved, and applied her resources justly and equitably to the cause of education.

Other States have also made their showings as to fair dealing with the cause of education. Sir, in this connection I desire to show by the testimony of the colored people themselves that they have been treated by the white people of the South with absolute fairness on the subject of education and in the matter of schools and benevolent institutions.

I wish to show that the State governments of the South can be trusted to make an honorable and fair use of the great fund provided in this bill.

Some years ago the Senator from New Hampshire [Mr. BLAIR], the author of this bill, and myself were members of a committee and made extensive investigation in regard to the discontent and migratory movements of certain portions of the colored race in the South. One of the subjects investigated and on which there was no conflict of testimony, if I remember correctly, was the treatment of the colored children in the schools. That investigation did good. It threw light into dark places. Certain evils it is true had taken place. They were corrected by the very fact of agitation, but on the subject of the schools there was but one voice. I read from the testimony of Mr. O'HARA, a very respectable and highly intelligent colored gentleman, who is now a member of the House of Representatives from North Carolina. He was describing the depressed condition of affairs in North Carolina and was asked whether they had not had very destructive floods the year before. He replied:

A. Yes, sir, very; and last year we had droughts also, so that the crops were very short, and that caused labor to be very low; and because of the feeling that exists between the people in that State, I will relate this, that a few Saturdays ago the people living in that section of the country called Scotland Neck held an agricultural meeting. White people and black people met together and had a talk about this subject. Richard A. Smith, a white man and leader there, spoke, and I spoke too, and the result of the meeting was that they thought on account of the increase of the price of cotton they ought to increase the wages of the hands, and they did so. As another remarkable fact connected with this, I will state that there are some colored people who hire laborers in that section and are interested in the price of labor. These whites they have property, and have to have labor to assist them in cultivating it, and naturally they want the labor cheap.

Q. State the condition of the education for children in North Carolina?

A. The condition of the children in North Carolina according to our system at present is poor. I mean poor as to all classes; in our law there can be no discrimination. Eight and one-third per cent. of the property-tax and 75 per cent. of the poll-tax, I think, is used for school purposes, each class getting its *pro rata* share; and if it had not been for some oversight in the last legislation, an omission to sign the bill, I think, we would have had a very good system of public schools in the State. Of course education is not there for the poor classes as it is in the District of Columbia, where you have large taxes and have a Federal Government to supply it, and in large cities like New York, but I think it will compare favorably with that in any rural district in any section of the country. I read the report of the Commissioner of Education, and see that the schools in the interior of nearly all the States in the rural districts are as nothing compared with the schools in the towns and cities, and I think ours will compare about as favorably as any. We need, however, a great deal of improvement yet, and I think it will come gradually.

Q. Have you seen the last report of the superintendent of education?

A. I have not.

Q. Do you know that the number of children attending school in North Carolina is increasing from year to year?

A. Yes, sir; I know they are increasing from year to year. I think, however, we have made one mistake. I think we have made a sad mistake in the employing of cheap teachers. Our people seem to have got the idea into their heads that \$20 a month is paying enough for a teacher, and the result is you can not get first-class teachers. First-class teachers will not work for such a price as that; but wherever they offer \$20 for teachers, they pay the same to white teachers and black teachers alike. I know a case in point—

Continues this colored man—

My wife holds a first-class certificate; she receives \$20 a month, and teaches

a colored school. The daughter of Col. David C. Clark, one of the leading white gentlemen of the city, also holds a first-class certificate; and she teaches a white school at \$20 a month.

Then the Senator from North Carolina [Mr. VANCE] asked him:

This is done in order to make the money spread over as much time as possible? A. Yes, sir; but there is another result. The best teachers will remain in such places, but will go where they can be better paid. Only the poorer class of teachers and persons living there, who are not compelled to rely on their teaching for a support—only persons so situated will teach.

Q. Has not your State appropriated money for the establishment of a normal school for the education of teachers?

A. We had a normal school at one time. It was at first only temporary, but I think our Legislature has made it permanent. As we advance and get a little more money we will have more schools of all kinds.

What a touching appeal this is from such a source to men now considering this bill. Again:

Q. Has not the State also provided asylums for the unfortunate of your race?

A. Yes, sir; the same facilities are offered the black and white alike in that respect. We have a deaf and dumb school for the colored people, under the same rules and government as that for white people; they are taught, fed, and clothed under the same system as the whites. In fact, it is not very long since I went through both institutions—the one on one side of our city, the other on the other. They have the same kind of provision, meats, vegetables, and fruits; the same bedding and furniture, carpets, pianos, &c., all the same in both institutions, without any discrimination at all.

Q. What provision has been made for the insane?

A. Owing to the crowded condition of our present insane asylum, it has been found necessary to build two others; one for the whites at Morganton, and one at Greensborough, in what is called the "negro belt," exclusively for colored people—an institution that will compare favorably with institutions of the same kind in any part of that country; as good as the one they are building for the whites at Morganton.

Q. It is not as large?

A. No; it is not as large; it is not necessary that it should be as large, because our percentage of insane is not as large as it is among whites; and the negro population is only one-third that of the whites.

I have read this testimony in support of the bill in order to show that we are bestowing this fund upon States and peoples who are treating the colored people fairly, and as a guarantee that the fund will not be abused, that there will be no discrimination made in its use on account of race or color. I wish no element of distrust to be in this bill. I will not vote for it if the guardianship of the Federal Government follows a dollar of the money into the States. I shall vote for it with full confidence or not vote for it at all. I shall confide entirely or I will not confide at all. For that reason I am showing that in regard to education and benevolence schools and charities have been established in the South for the black man as well as for the white man. This great and undisputed fact pleads in eloquent tones for the passage of this bill.

There was a wide field of this kind of testimony which I might read by the hour. Much of it came from North Carolina, and all to her honor. There was much also from Louisiana, all to the same general purport. I pass it over, but I am tempted beyond my power of resistance to read to the Senate a few answers which were elicited from a man whom the Senator from New Hampshire will well remember. He came from the county of Bolivar, Mississippi, the region of the Yazoo, in that State. His face was as black as the wing of a raven. He was dressed as well as any Senator on this floor. He bore himself with great propriety of demeanor and with an unassuming dignity that was pleasant to witness. His name was Lewis Stubblefield. He told us he was born in Virginia, was a slave until Lee surrendered, and had not \$3 worth of clothing on his back at that time. When he came before us he was the owner, with an unencumbered title, of over six hundred acres of Bolivar County bottom-land, said to be as productive as any the world contains. He owned cattle and horses, mules and hogs; he hired labor, this full-blooded African, and white labor in many instances. After telling the committee that he had made all his lands and stock by his hard work and attention to business since the war, and that there was nothing to prevent any other man of his race from doing as well in that State, he testified as follows about school privileges:

Q. Mr. Stubblefield, how is it about opportunities for schooling your children in your county?

A. Well, sir, our people in Bolivar has the same chance that the whites does for schooling their children—

I read his imperfect grammar as it is printed here— there is no exception made in the schools at all.

What an overwhelming piece of proof that is.

The schools are kept up—

Continues the questioner—

by the taxation of the people, are they?

A. Yes, sir.

Q. Where the colored man has property he pays the school taxes the same as the white man does?

A. Yes, sir; it is all equal as to that.

Q. And all share alike in the privileges of the schools?

A. Yes, sir; that portion of the business has been passing through my hands for the last eight years; I am identified with that sort of work.

He was a supervisor of schools.

Q. How many members are there in your board of supervisors?

A. Five men on our board, sir; one member from each of the supervising districts.

Q. How many of these supervisors on your board are white and how many are colored?

A. Three are white and two are colored; but the three whites are there by my consent.

He was in a county with a large colored majority. Continued he:

We would have elected on last Tuesday a week ago another member, a colored man, but I would not consent to it.

He wanted the white man to remain. And much more I might read. Among nearly a hundred colored men called as witnesses, that was the burden of the testimony of each one. I remember that this man Stubblefield stated he was a Republican in politics, and on election day that he often rode with his neighboring land-owner, a white man, and a late confederate officer, to the polls, and while his white neighbor voted the Democratic ticket he voted the Republican ticket without molestation. Am I wrong in supposing that it is proper and right to adduce these facts to Senators in order to inspire confidence in the disposal of so large a sum of money?

I am told, however, Mr. President, that with all the good purposes of this bill it is not within the purview of the Constitution. I am not here to dwell on the benefits and blessings of education, nor am I here to discuss the decisions of courts or what the distinguished men of the earlier days of the Republic have individually said in regard to the powers of this Government, but I am here to declare what every man knows and what no one will deny, that the cause of education has been recognized in the acts of the Government itself as a national cause from the first hour of its existence until the present moment. It was recognized by Washington and in the utterances of all the fathers and framers of the Constitution. The cause of education, I repeat, was recognized and recommended as a national cause, a cause with which the welfare of the country was intimately associated.

The policy of this Government on this subject is as plain as a well-beaten pathway. I might follow the example of other Senators and read the letters, the messages, the reports of distinguished men of the past and the decisions of the courts. Will it not, however, be quite as conclusive as to the powers of the Government to show what it has actually done at every stage of its existence as to point out what eminent men and the courts have said it might do? I, too, might quote opinions, but I prefer to state facts. When I show what the Government has done upon this very question I presume it will be conceded that no higher authority can be produced. The policy of the Government is so continuous and unbroken that it has received the support of all the wise and great in our history.

What do we see when we turn to this policy? Every State admitted into the Union since the adoption of the Constitution has received upon her admission a birthday present, as it were, a rich donation of lands, an educational endowment in behalf of the children she was to bring forth and train up for duty as American citizens. This was a present from the National Government to every State; to yours, sir [Mr. HARRIS, in the chair], and to mine; and what a splendid endowment it has been! Can I stand here and forget what was done for my own State? Indiana had her sixteenth section; she had her university lands; she had her land-scrip given to her in lieu of lands that could not be taken up in her own borders. Am I to ignore these facts when an appeal is made to me by people who have had thrown upon them an unnatural and abnormal condition of affairs in the liberation and enfranchisement of a whole race buried in ignorance? New States came into the Union with natural surroundings and with no exceptional burdens. The Southern States are struggling to-day with a problem heretofore unknown in human history and with a responsibility far beyond their power to meet. But with no such appalling circumstances surrounding the other States of the Union, the policy of this Government toward them has been all the time in the exercise of that power which is now denied by the Senator from Alabama [Mr. MORGAN] and other Senators on this floor, when it is invoked for the relief of the afflicted States of the South.

Every sixteenth section of public land in the States admitted prior to 1848 and every sixteenth and thirty-sixth section of such land in the States and Territories since organized have been granted for educational purposes. The lands granted for educational purposes, both for common schools and universities, throughout the Union have amounted to nearly 100,000,000 acres. Yet I am told that the Government has not the power to aid the cause of education in the States. Why not the power?

Do you answer that lands can be granted but not money? I had promised myself that I would not waste any time on that point. Money is no more a thing of value than land. One is a commodity as the other is. Money is worth only what it can be exchanged for, and so are lands; and when lands are donated, it is with the express understanding that the State can exchange them at once for any other commodity, money or anything else, that will best promote the cause of education. I shall waste but little time on that point. According to this distinction between the donation of lands and the donation of money Congress has the power to grant the recently acquired Territory of Alaska to the several States for educational purposes, well knowing that the States would sell the Territory and apply the proceeds to their schools, but Congress could not have donated the seven millions to the States for school purposes which we paid to Russia for the Territory. Such a proposition only needs to be stated to be rejected.



The following table of lands granted for school purposes will be of interest as illustrating the policy of the Government on this subject:

State.	Year.	Acres.
Ohio.....	1803	704,488
Indiana.....	1816	630,317
Illinois.....	1818	985,066
Missouri.....	1820	1,199,130
Alabama.....	1819	302,774
Mississippi.....	1803	837,584
Louisiana.....	1806	786,044
Michigan.....	1836	1,067,397
Arkansas.....	1836	886,460
Florida.....	1845	908,503
Iowa.....	1845	905,144
Wisconsin.....	1846	958,649
California.....	1853	6,719,324
Minnesota.....	1857	2,969,990
Oregon.....	1859	3,329,706
Kansas.....	1861	2,801,306
Nevada.....	1864	3,935,428
Nebraska.....	1864	2,702,044
Colorado.....	1875	3,715,555

In addition to these grants to the States there have been donated over 30,000,000 acres to the eight organized Territories of the United States, making an aggregate of lands granted to the States and Territories for school purposes of 67,893,919 acres.

Then, for the purpose of aiding in the establishment of universities, still other lands have been donated to the States and Territories, amounting in all to 1,165,520 acres.

Next comes the land-scrip. I have other tables and figures here which I will not dwell on at length. But I see that one university in Indiana is put down in this official report as the recipient of over \$212,000, proceeds of the sale of land-scrip which was issued to Indiana in lieu of land that she could not locate within her borders. There are some striking revelations in these statistics. The need of the South is very sore, and yet abundance has in some instances been given where nothing was needed. California, coming into this Union thirty years ago with a crown of gold upon her head and untold wealth in all her veins, was the recipient from the Government of nearly seven million acres of land for educational purposes. She was rich, with a magnificent future before her; yet the power of the Government was thought to be equal to the task of giving her a great domain besides; now it is denied to the States that are poor and depressed indeed.

Allow me to call attention also to the transactions of 1836 between the Federal Government and the States, which resulted in vast assistance to the cause of education within the States. They illustrate the fact that Federal assistance has taken every shape. In 1836 the Federal Government found itself with a surplus of revenue on its hands, and by act approved June 23, 1836, provision was made to deposit the same with the States in proportion to their representation. The amounts thus deposited with the States will be shown by the appended table:

Maine.....	\$955,838 25
New Hampshire.....	669,086 79
Massachusetts.....	1,338,173 58
Vermont.....	669,086 79
Connecticut.....	764,670 60
Rhode Island.....	382,335 30
New York.....	4,014,520 71
New Jersey.....	764,670 60
Pennsylvania.....	2,867,514 78
Delaware.....	286,751 49
Maryland.....	955,838 25
Virginia.....	2,198,427 99
North Carolina.....	1,433,757 39
South Carolina.....	1,061,422 09
Georgia.....	1,061,422 09
Alabama.....	689,086 79
Louisiana.....	477,919 14
Mississippi.....	382,335 30
Tennessee.....	1,433,757 39
Kentucky.....	1,433,757 39
Ohio.....	2,007,260 34
Missouri.....	382,335 30
Indiana.....	860,254 44
Illinois.....	477,919 14
Michigan.....	286,751 49
Arkansas.....	286,751 49

Total..... 28,101,644 91

And although the law making this distribution provides for the return of the money to the Federal Treasury "whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the public Treasury," yet no such requirement has ever been made. Thus we see that for nearly fifty years past the States have enjoyed a practical donation from the Federal Government of more than twenty-eight millions in actual money, which in almost if not quite every instance has been converted into the school funds of the several States. New York thus appropriated the four millions and over which fell to her share, and the other States generally followed her example, while the Federal Government gave its approval by its silent acquiescence.

What else has been done in the matter of education as a national

work? Do Senators forget recent events? Since the war more than \$6,000,000, not in lands, but in money, have been appropriated by Congress for colored schools in the South. I have the appropriation acts here if there is any question as to my statement. The freedmen's schools have been fed with national appropriations during the last twenty years, and to the extent of over \$6,000,000. Is it not somewhat late in the day to call in question the power of Congress to pass the pending measure? I give you a precedent in your own day and generation. How is it to be answered? Do you oppose this bill by saying that the schools for the freedmen were unconstitutional? Why, then, was that question not tested in the courts? It could easily have been done at the proper time.

But, sir, I come to a still later date and even a more striking illustration. Within the last twelve months, during the last fiscal year, Congress appropriated \$400,000 with which to educate the Indian children at Hampton and at Carlisle. How will you answer that? Where were the voices now so eloquent, where the speeches now so learned and so long, when that bill passed the Senate, taking \$400,000 of tax-raised revenue out of the Treasury with which to instruct and enlighten the little copper-colored, dark-eyed, straight-haired children of the desert within a hundred miles of this Capitol? Where were these vigilant sentries of the Constitution then? Were they dozing on their posts, or is the dusky Indian dearer in their regard than their own blood and kin? The white child is in this bill; the white face is here as well as the dark one. Is the barbarian's child of the forests, the offspring of the frontiers, a more important and cherished object of your care than the white child of the South? Does the Constitution expand in its application in one direction and contract in another? Is there a certain elasticity in the Constitution toward the schools at Hampton and Carlisle and a contractability in the same instrument when applied to schools of your own?

I am amazed, it fills me with wonder when I hear some of the arguments which have been advanced on this floor. There is not a year, nor a month, nor a week, nor a day since 1789 to the present hour in which the authority in this bill in one shape or another has not been the active policy of this Government for our own people as well as for other races. This policy fills all our history with its precedents and the whole land with its blessings.

But, Mr. President, we have heard much able and learned discussion in regard to a strict construction of the Constitution. Sir, I am for a strict construction of the Constitution. I am for strictly construing it in order to accomplish, not to defeat, the great ends for which it was ordained. I wish to so construe it as to promote and fulfill those beneficent and lofty aims proclaimed in the instrument itself. I would strictly construe that immortal instrument as a vital, affirmative force for the achievement of its own declared purposes and the accomplishment of our destiny as a united and enlightened Republic. To me it means what it says; to my mind there is not a meaningless provision in it. When it declares its purpose "to promote the general welfare," and declares further on among the grant of powers that Congress shall provide for that great end I do not feel at liberty to assume that the framers of the Constitution were indulging in words, mere words, without meaning, life, or force. I firmly believe too that the power of self-preservation exists in this Government. The object of its creation was to live, not to die.

I never did believe, and do not now, that a power was originally injected into the Constitution by which this Government could be destroyed. I never did believe, and do not now, that there were reserved powers in the States by which this Government could be dissolved and broken up. I did not believe it before the war nor during the war, and took every proper opportunity to say so. I do believe there are certain great rights reserved to the States for their sole exercise; they are easily found and are of inestimable value, but the doctrine of State rights has been carried too far in the past, and will be again whenever it is invoked to defeat legislation of the kind we are now considering.

Sir, we have had an era of strict construction. May I not talk plainly? May I not say what is in my mind to say? The strict construction of ante-war times was born of an institution which exists no more. The opposition in the Southern mind to a liberal construction of the powers of the Federal Government originated with the institution of slavery. It was your local and domestic institution; you had it to protect; you dreaded the interference of the Federal authority in the slightest degree, and in proportion as you were threatened with that power you vehemently denied its existence in any and every form in which it was asserted. This was no more than natural, but the reason which made the rule then has passed away, and now there is no people, there are no States in this Union whose future hope and welfare are so vitally interwoven with a liberal construction of the Constitution as the people and States of the South. In ten thousand ways, from year to year, the Federal Government can and will encourage, foster, and promote their great local interests, extend them a helping hand in the development of their mighty resources and in enhancing their general prosperity. The noble self-reliance, fortitude, and industry of the Southern people since the war have touched the heart of the whole country, and they need no longer fear the power of the Federal Government. Mutterings and menaces may now and then occur for partisan purposes, but they



will pass speedily and harmlessly away. Were I a Southern Senator I would hail such a measure as this as the dawn of a new and a better day for me and for mine.

But, sir, even when we were in strict construction times, when the Government was administered by men who guarded narrowly, as it is now contended, against the faintest trace of an invasion of the rights of the States by the Federal Government, what did we accomplish? Let us go back and see whether we were so very powerless even then. The purchase of Louisiana has been alluded to here, and Jefferson has been quoted on that subject. It might have been said further that he was thought in certain quarters liable to impeachment for making that purchase. There is no enumerated power in the Constitution authorizing it, and Jefferson himself doubted whether there was an implied power. He said as much. He said he had done an act beyond the Constitution, and suggested an amendment to cover and protect the transaction. I regard Jefferson as the wisest political thinker in human history, and yet the men who surrounded him, who were his advisers and counselors, decided against his suggestion in this instance and convinced him that the amendment was not necessary, that the Constitution warranted what he had done. The judgment of his contemporaries and of posterity has sanctioned the great act as essential to the general welfare and glory of the country.

And did we not at a later day and in the exercise of the same power take Texas to our arms? I will not say that we purchased Texas as we did Louisiana, but there is an analogy between the transactions; we paid the debts of Texas and took her into the family of States. Where was the power to do that? The treaty-making power? The treaty-making power can add nothing to the powers of the Constitution already there. It has been said that Louisiana and Texas were secured under the clause which authorizes us to provide for the common defense; that Louisiana might have been used to our detriment by a foreign power; that England was conspiring to get a foothold in Texas; and therefore we had a right to secure possession of these vast scopes of territory as a measure of common defense. Sir, I was raised upon a farm, my father owned land, and I remember that he acted sometimes upon the same principle in buying a piece of land contiguous to him.

But surely the Constitution means nothing of that kind. If it does we can buy Canada and clear up to the North Pole on the same principle. No; the simple truth is Jefferson saw that the exclusive possession of the channel and of the mouth of the Mississippi River were necessary to the general welfare, the prosperity, advancement, wealth, and growth of the country, and he grasped the occasion to accomplish these legitimate objects of Government with more eagerness and zeal than is usual in an executive officer. Nearly the entire correspondence on the subject with the minister of the great Napoleon will be found in Jefferson's own hand, although his Secretary of State was one of the most accomplished men of his times.

Texas came to us upon the same principles which governed Jefferson in securing Louisiana; then the vast acquisitions of territory following the Mexican war, until now all that mighty region from British America to the Gulf of Mexico, from the Mississippi River to the Pacific Ocean, stands to-day, and will stand forever, as a monument to the foresight, sagacity, and prophetic statesmanship of Thomas Jefferson while executing the welfare clause of the Constitution, without a single specific grant of power to warrant the first steps taken or any that followed. There it stands, the seat of present and future empire. We secured it all during the days of strict construction. Louisiana, Texas, and all the other vast regions I have mentioned confront us as a stupendous refutation of the idea that we can do nothing for the general welfare under a strict construction of the Constitution.

Sir, it seems to me that if we can spread our banner by purchase and by conquest over foreign soil, if we can extend the boundaries of the Republic, we can, without a specific grant of power, also erect school-houses and educate our people. But let us examine this point a little further in relation to what has already been done. Under the doctrine now advanced against the pending bill where is the power authorizing the purchase and collection of a Congressional Library? Under what head does it come? If this doctrine is to prevail we must abandon the Library to its fate; we must also wipe out many of the most brilliant and most patriotic events in our history. Where is the authority to gather the natural wealth of the world, its curiosities, its subjects of science, in the Smithsonian Institution and the National Museum? Do you reply that the Constitution makes it our duty to promote the arts and sciences? That is true, but the clause of the Constitution which declares that duty also provides the means for its execution by copyright and by patents granted to inventors. That is the specific limitation as to the means whereby the arts and sciences are to be promoted. Where, then, is the power by which the grizzly bear of the Sierras is caught, skinned, and made to stand as if in life in the Smithsonian? Where is the power by which the bones of that magnificent king of race horses, Lexington, were procured and are now on exhibition as a model equine skeleton in the same institution? Where is the power that gathers the fishes of the sea, the reptiles of the earth, and all the curiosities of animated nature together for instruction at the expense of millions? Will some Senator tell me? I shall not take it as an interruption. Behold our beautiful gardens. I love them; I

love to think and to speak of them. I visit them as often as I can. I love to see the wealth and beauty of the physical world. But where is the granted power, unless under the general-welfare clause, for the money we annually appropriate for the botanical and the propagating gardens? I would be glad if some gentleman would point out any other clause.

I am aware that I am but restating the position which the Senator from Arkansas [Mr. GARLAND] assumed on this subject at the opening of this discussion and which he maintained with such conspicuous ability. And in this connection I wish to call attention to a striking fact.

This debate has been long and able on both sides of the question, but I have heard no Senator undertake to answer the legal argument of the Senator from Arkansas. I have heard no one grapple with the decisions cited by him nor with the facts showing the history of our legislation. The argument made by the master mind of the Senator from Arkansas has gone without even attempted refutation. It is a most significant oversight. Nor do I now deem it necessary to discuss the legal aspects of this question further than, as I have heretofore stated, to show what has been done—not so much what has been decided or said, but what has been done. That is all I am seeking to do; for after the argument of the Senator from Arkansas and the very able and thorough arguments of the two Senators from Mississippi and the Senator from Louisiana [Mr. GIBSON] the constitutional question is closed forever; nor will it ever again seriously arise in connection with such a measure as this.

But to resume our illustrations of the exercise of power to promote the general welfare.

Why, sir, Jefferson not only purchased Louisiana, but in 1804 he organized and sent forth that immortal exploring expedition led by Lewis and Clarke—Clarke the brother of George Rodgers Clarke, whom John Randolph styled the Hannibal of the West; and Lewis, Jefferson's private secretary. For more than two years they were hidden from the world and thought to be lost. When they returned, however, they were laden with the spoils of knowledge. They had reached the headwaters of the Missouri, crossed the Rocky Mountains near the track where now the Northern Pacific Railroad speeds its locomotive, descended the Columbia River until they looked on the Pacific Ocean from its mouth, making and preserving careful observations and ample notes of all they saw for the use and instruction of the Government. And from that day to this our Territories have all been extensively and thoroughly explored. Go to Major Powell's office in the National Museum and you will see the truth of what I say. But how did those splendid drawings, engravings, and maps of queer and distant scenes and countries come to hang on his walls unless there is some general power such as has been asserted and conclusively demonstrated by the Senator from Arkansas?

As I walk from the Senate to the other end of this Capitol I never pass through the old hall of the House of Representatives without lingering and looking. It has a new name, Statuary Hall, and I see there the statues of the illustrious dead. It is the American Valhalla, "the palace of immortality." Washington is there, and around him in mute majesty are gathered the heroes and leaders of Revolutionary times. Lincoln is there, faithfully delineated in face and form, sad, thoughtful, and care-worn. Kosciuszko, over whose fall freedom wept in all lands, is there; and Pulaski, who died at the head of his legion at Savannah for American liberty; and the great soldier Nathaniel Greene, and many others whose names are full of glory, are there. But where is the power in the Constitution to place them there unless the Senator from Arkansas has found it?

Pause also in the Rotunda. There the artist has strongly appealed to every sentiment of patriotic pride in the American heart. There, on canvas, Columbus makes his immortal discovery of a new world, there the Mayflower moves upon the deep; there the Declaration of Independence is signed in solemn and august council; there Burgoyne surrenders; there Cornwallis lays down his sword and the war ends at Yorktown; there Washington returns his commission to Congress and retires to Mount Vernon. Who can look unmoved on such scenes? And yet if the opponents of this bill are right they are all there in violation of the Constitution.

During nearly all my service in the Senate I have been connected with the Committee on the Library. We have purchased valuable papers left by eminent men; also great historic paintings. At the last session of Congress we purchased the celebrated life-size portrait of Washington by Charles Wilson Peale, who was soldier and artist both, for which Washington commenced his sittings at Valley Forge and finished them during the ensuing campaign. During the present session a bill has been reported from the Committee on the Library, and I expect to call it up as soon as possible, to complete the monument at Saratoga in commemoration of the surrender of Burgoyne, in commemoration of that great event which gave us our French alliance and revived the darkening hopes of America. Now, in all these things is it possible that we have been mistaken in our just powers, and have been acting outside the Constitution? Across this broad land from the Atlantic to the Gulf there is a vast belt of country where great and brave armies fought twenty years ago. As the traveler passes through this belt filled with its sad memories he sees



here and there the flag of the country flying. Looking beneath its folds he beholds a national cemetery where the dead are buried in clean, well-kept graves, marked with headstones, covered with grass and flowers, and guarded and cared for by a superintendent, a Federal official. Where is the power for this? Sir, the construction which Senators opposed to this bill seek to place on the Constitution is too narrow to embrace our national grave-yards.

Again, I am a representative from a State that is out of debt; its credit is high, it is rich in natural resources and in the graces of cultivation; and yet it has been but a few short weeks since we were compelled to ask and receive aid from Congress in behalf of a portion of our people. Ohio did the same. Those two great empire States of the West came here for charitable assistance. If our Legislature had been in session or could have been called together in time to afford relief we would not have accepted a dollar from the Federal Government. But when our towns were swept away, when our people sent up a cry of suffering, when I spent my mornings in the War Office and my afternoons here and my colleagues were doing the same, ascertaining the necessities condition of our people and hurrying appropriations through for their assistance, did we stop to question the power of the Government to do what we called for?

In 1882 a flood swept the whole Mississippi Valley, and a half million of money was appropriated to relieve the disasters it inflicted. Other floods will desolate the low plantations of the Mississippi, and we will again come to your aid. When the yellow fever with its sweltering venom smote the towns and cities of the South and destroyed her people at high noon and at midnight a national board of health was organized by act of Congress, with power to call forth all the resources of science to allay the pestilence. If the Government can minister to the ailments of the body in the States why not also to the mind? I do not believe in a government which can not or will not help its people in their distress, in a government whose constitution is to be construed in the way of obstruction and not in the way of promotion.

I repeat, sir, that Indiana is a great and strong State. Her school system is equal to any in the civilized world. She has over \$10,000,000 in a permanent school fund, which can be increased but never diminished under our constitution. She owns more than \$12,000,000 worth of school property. She is paying between three and four million dollars per annum for school teachers. Coming from such a State as that, can I not afford to go as far as the Senator from New Hampshire, as far as the Senator from Massachusetts, in assisting the cause of education in the South? If I failed to do so, those who know me best I think would be most surprised.

Now, Mr. President, there was an incident in this debate which I must briefly notice. There was a tone of criticism on the part of the Senators from Missouri [Mr. VEST] and Alabama [Mr. MORGAN] on Saturday evening which I thought unwarranted. Perhaps it meant not much more than to remind Democratic Senators to be careful how they voted for this measure, for fear they might find themselves in the Republican party or in some way lose their standing in their own.

There is a great deal too much of this thing at this time; a great deal too much disposition in this body and elsewhere to make some one hobby or some one measure a test of a man's party fealty. I can not be dragged in that way. I never have been and I never will be. I repeat, perhaps the Senator from Missouri meant no more than in the kindness of his heart to give Senators like myself and others a note of warning. For his kind intentions I thank him, but for some things I shall say now I am afraid he will not thank me. He must believe, however, that I mean well. The Senator from Missouri speaks with a tongue that bears a charm. If I am reading the most fascinating book I lay it down when he rises. His lips seem touched with the honey of Hymettus and his voice is music to all listening ears, but in looking into the record of legislation I fear his memory might be somewhat improved. This is not a fatal infirmity, but is sometimes a troublesome one.

I have here a bill which was introduced on the 12th of February, 1880, by the Senator from Vermont [Mr. MORELL]. It is a bill to incorporate the national educational association. What big, strong words, importing Federal power. The national educational association. Ordinarily I would say that a bill with such a title would fearfully frighten a strict constructionist of the modern school. It organized some fifty or one hundred men, I can not count their names in the bill, into a body-corporate by the name of "The National Educational Association," in and of the District of Columbia.

Sections 2 and 3 provide:

SEC. 2. That the national educational association shall have power to make and amend its constitution, by-laws, and rules, consistently with law, and to hold, by purchase, grant, gift, or otherwise, real or personal estate not exceeding \$50,000 in value.

SEC. 3. That twenty-five members of the national educational association shall constitute a quorum for the transaction of business, and that said association shall meet and organize under this charter on the first Monday of July, 1880, and annually thereafter shall meet at such time and place as it may designate; and whenever called upon by any department of the Government shall investigate and report upon any educational subject without compensation for such services.

This is the organization of an educational bureau by Federal power. When this bill came up in the Senate, I find the following discussion:

Mr. Blaine rose.

Mr. TELLER. If this bill can be voted on shortly I shall not object to its consideration, but otherwise I am going to object to it.

Mr. BLAINE. Then I will not say a word.

Mr. TELLER. If anybody wants to say anything, I shall not object at present.

Mr. BLAINE. I will say only a very few words, especially as I do not see the honorable Senator from Wisconsin [Mr. Carpenter] in his seat. When this bill was up yesterday that Senator made some remarks which struck me as being of a character that ought not to go at least without answer, if not contradiction. One particular declaration arrested my attention at the time. The honorable Senator, who is known throughout the country as an able lawyer, and therefore his words are taken as having weight on any question of law or Constitution, made the declaration—

When I read it I almost thought my friend the Senator from Missouri had made the speech. Listen to what Carpenter said:

"No matter how important the subject of education may be, it is not a subject committed to this Government, and unless committed by express words or by reasonable implication we have no control over it, we have no right to further it, to hinder it, or to do anything whatever in regard to it."

That is a very good State-rights statement coming from Mr. Carpenter on that side of the Chamber, showing there was no politics in education then and there is none now. Mr. Blaine goes on to say:

He objected to diffusing information in regard to education beyond the District of Columbia, and the Senator, with an air of absolute conclusiveness, pronounced it to be wholly beyond the constitutional power of Congress to do it.

Just as the Senator from Missouri says now. Mr. Blaine continues:

I stated at the time that some of the notable framers of the Constitution of the Union did not take the same view as the honorable Senator from Wisconsin. Twice in General Washington's annual messages to Congress he recommended a national university.

Senator Blaine then read the same passage from General Washington which has been read by the Senator from Georgia [Mr. BROWN] on the floor. Then, continuing his comment, Mr. Blaine says:

And yet the honorable Senator from Wisconsin makes the declaration I read just now, in the very face of the fact that Congress for the last thirty years has been largely aiding in maintaining an institution which does not stop even at diffusing knowledge among the citizens of the United States; which does not stop at the District of Columbia, where he says we are wholly stopped; it does not even stop at all the Territories of the Union, including the States thereof, but its object is the "diffusion and increase of knowledge among men;" and I think within the last thirty years we have given a very large sum to the Smithsonian Institution for that special object.

Mr. Blaine concluded by saying:

I merely rose to say that the remark of the honorable Senator from Wisconsin was not, in my judgment, good law or good Constitution, and it certainly is not in accordance with the practice of the Government ever since its foundation.

Thereupon the vote was taken and the yeas and nays are here recorded. There were thirty-one Senators who voted for Mr. Blaine's construction of the Constitution. There were seventeen Senators who voted with Mr. Carpenter and for the doctrine of the Senator from Missouri at this time, but I confess that a look at the roll-call surprises and troubles me. Voting with Mr. Blaine and for the principle which I now think correct I find the Senators from South Carolina, Mr. BUTLER and Mr. HAMPTON, Mr. HARRIS, Mr. MCPHERSON, Mr. MAXEY, and Mr. VEST. Sir, I like to be in that company. These names are good authority. I am strongly attached to every one of these gentlemen. I find no fault with them for voting for this National Educational Association, and may I not ask their charity for me while I vote the same way now?

Mr. BUTLER. Will my friend allow me to ask him whether that bill organizing a national education society pretended to interfere with any of the domestic concerns of any of the States?

Mr. VOORHEES. It did not, and if the bill before the Senate, as I have already said, interfered in the slightest degree with the management of the school system of your State by your State authorities I would not vote for it. I vote for it simply as a donation, to enable you to do what you can not accomplish with your own insufficient means.

Mr. BUTLER. According to my construction of the language of this bill my friend certainly will not vote for it, for I think it does that very thing.

Mr. VOORHEES. That is a question of construction. I am very decidedly of a different opinion. But I hold in my hand another act of Congress on the same subject. Here is an act passed March 2, 1867, entitled "An act to establish a department of education." This act was approved March 2, 1867, and makes "a Department of Education." I have not time to dwell on its details, and I only cite it to show how often and how fully the power now denied has been exercised.

The Senator from Missouri will pardon me another allusion which I know will gratify him and also the Senator from Kansas [Mr. PLUMB]. The Senator from Kansas filled this Hall with sorrowful complaints a few weeks ago on account of sick cattle in his State. He now opposes this educational bill. He asked for \$25,000 to cure and care for his cattle, and he finally got \$50,000. The Senator from Missouri, though somewhat reluctantly I think, at last heard the lowing of those suffering herds and voted for the \$50,000. His ears are now closed to the cry of the children, white and black, throughout the South, but the bleating of calves, the bawling of cows, and the bellowing of bulls in Kansas, with here and there a sound from the western counties of Missouri, struck on his sympathetic ear and reached his tender heart. The question of power stood not in his way then, and the money of this Government flowed out for the purpose of healing the feet and the mouths of stricken cattle. I voted with the Senator from Missouri then, and I only regret that he and the Senator from Kansas find it more difficult to vote for this measure of relief to human beings than I did in voting for their measure to relieve the herds of the prairies.



I wish next to notice a very extraordinary circumstance connected with the very able and brilliant speech of the Senator from Alabama [Mr. MORGAN]. He commenced, it will be remembered, on Friday last but did not finish, and resumed the next day. Before he resumed his speech, however, on Saturday he introduced a bill which is the most splendid illustration of the difference between preaching and practicing strict construction I have ever known. It fell upon my mind with very peculiar force. The Senator, while in the middle of a speech denying the power under the Constitution to aid schools in the States, introduced a bill entitled "A bill for the creation of a silk-culture bureau and the establishment of silk-culture stations." I will not offend the intelligence of the Senate by asking what enumerated power of the Constitution authorizes a silk-culture bureau in this Government.

I do not say that the bill is necessarily unconstitutional under my construction, but if the Senator from Alabama is right in his opposition to the pending measure, then his silk-culture-bureau bill is the most unconstitutional proposition ever read in the Senate Chamber.

Let us see what it is: "It provides that such a bureau shall be established as one of the bureaus of the Agricultural Department, and shall embrace in its organization five silk-culture stations, to be established as follows: one for the North Atlantic States, location Pennsylvania; one for the South Atlantic States, in Florida; one for the Gulf States, in Alabama; one for the Northwestern States, in Iowa; and one for the Pacific States, in California. The object of the establishment of the bureau and the several silk-culture stations it declares to be experimentally to raise silk-worms."

Mr. MORGAN. If the Senator will indulge me for a moment—

Mr. VOORHEES. Wait until I read this through.

Mr. MORGAN. I want to relieve the Senator of unnecessary agitation by saying that the RECORD shows I introduced the bill by request.

Mr. VOORHEES. "Study their nature and the means of improving their productive qualities; to investigate the diseases to which they are subject; to cultivate and by all means deemed proper to encourage the cultivation of the plants adapted for feeding silk-worms, and to experiment in silk, with a view of ascertaining the best appliances and methods for conducting the various operations of preparing the raw silk. It provides for an appropriation of \$150,000 for carrying out the objects of the bill." And it provides a salary of \$2,400 a year for the superintendent. I know the RECORD shows that the Senator introduced the bill "by request." If he means by that to say he is not in favor of the bill that will end all discussion upon it, but as he is silent, and in the absence of such a disclaimer he must pardon me for pointing out the fact that he has answered his elaborate two days' argument by introducing such a measure. I am contending for a power in this Government which will enable it to aid the children of the South to read the Lord's Prayer, and the Senator answers back with a bill to make silk. Silk is a luxury of the rich, and when I make my plea on behalf of the poor, he erects a silk-culture bureau before my face. When I vote for a bill which will enable the rising generations of the South to read the Sermon on the Mount, he replies with a bill on the subject of silk-worms, cocoons, and mulberry leaves!

Sir, I look hopefully to the future of the South. I regard this movement in the cause of education of infinite importance and full of future glory. The conduct of the Southern people themselves gives assurance that the movement will be executed in good faith and will bear precious fruits. No people on the globe, with their country devastated by war, their cities sacked and burned, their society shocked and demoralized, their social and industrial institutions torn down and destroyed, have ever recovered themselves so well, with so much manhood, force, and rapidity, as the people of the South. With this measure now to aid their own noble efforts there is a day just before them such as they themselves have not dreamed of.

You Senators around me, and I too, with hair growing gray, will not live to see the full fruition of our work; we will not live to see the entire fullness of the great harvest of blessings which will flow from this legislation; but our children and our children's children to the latest generations will rise up and call blessed those who provided for them this great and munificent bounty. The business enterprise of the North and West is penetrating the South, and my desire is that light and knowledge shall also bless her people of every race and hue. I hold in my hand an article giving an account of the enterprise of Western and Northern men in the South during this present year, and the reading of it gave me so much pleasure that I venture to ask the Senate to hear it:

**PROGRESS OF THE SOUTH—FIGURES WHICH SHOW A REMARKABLE DEGREE OF ENTERPRISE.**

One of the striking features of the industrial progress of the South is the immense amount of Northern and Western capital seeking investment there. The Southern people themselves are also displaying remarkable energy in establishing new enterprises and in building up their own section.

In what States has this increase taken place, and in what branches of manufacturing is most progress being made, are two questions of particular interest, the answer to which will show that the entire South is sharing in this improvement and that almost every industry is represented. Our figures show that in the amount of capital stock of enterprises organized this year Kentucky takes the lead of all the Southern States with \$6,851,000, while following not far behind comes Alabama with \$5,210,000, and of the two we think Alabama's represents more actual money and less paper only than Kentucky's.—*Baltimore Manufacturers' Record.*

I would say to the Senator from Kentucky, whether he is for a tariff for revenue only or for revenue with incidental protection, the enterprise and the labor of the world will find the coal-beds and the iron-ore of Kentucky and all the other Southern States and dig them out, and give new life and wealth to that section.

But to proceed with this most interesting exhibit:

Alabama is making wonderful progress. It is really marvelous to note day after day the long list of new enterprises started in that State. They embrace almost every industry. It is true that the boundless coal and iron resources of the State are attracting great attention, resulting in the organization since January 1 of a number of heavy mining and iron-furnace companies. But other industries are also flourishing. A very extensive cotton-mill, large machine-shops, rolling-mills, planing-mills, and similar enterprises help to swell the list.

Virginia ranks third in the list with \$3,830,000, represented by cotton-mills, saw-mills, rolling-mills, nail-works, mines, furnaces, and numerous other industries, while Texas comes fourth with \$3,593,000. The list of new enterprises in Texas includes almost all industrial branches except cotton manufactures, and in that line she does not seem to be making any progress, notwithstanding her fine advantages for cotton-mills. Georgia is fifth on the list with \$2,040,000, and Maryland sixth with \$2,014,000. North Carolina is making splendid progress, and in every part of the State new factories are the order of the day. Cotton, woolen, flour, and saw mills, tobacco factories, mining companies, and machine-shops are among the new enterprises started, the aggregate capital being \$1,227,000. Tennessee shows up with \$846,000, made up rather by many industries of moderate extent than by a few heavy concerns. Virginia counts up for the first two months of the year \$916,000, South Carolina \$904,000, while the other States figure up something less than \$500,000 each.

Notwithstanding the depression in the cotton-goods trade of the world, the South is steadily pushing on in the building of new cotton-mills. Among the enterprises of this kind now under way is a newly organized company to build a \$175,000 mill at Columbia, Tenn.; a \$200,000 mill in Durham, N. C.; a \$50,000 mill for Trenton, Tenn.; a \$200,000 mill in Dalton, Ga.; one to cost \$84,000 in Griffin, Ga.; a \$300,000 mill in Roanoke, Va.; and an additional mill to cost about \$100,000 by a Rome (Ga.) factory company; while the company at Columbus, Ga., now running about 40,000 spindles, proposes to put up a new \$1,000,000 mill. A company will build a \$300,000 mill at Darlington, S. C., to be finished in the fall, and another of equal cost is under construction at Newberry, in the same State; while Fayetteville, N. C., and one or two other places in that State, will also soon have new cotton-mills.

At Rockingham, N. C.; Lowell, in the same State; Danville, Va.; Montgomery, Ala.; Selma, Ala.; and Birmingham, Ala., new factories or extensions are being constructed. The aggregate cost of the above-mentioned mills will be about \$3,250,000. These mills will add 100,000 or more spindles to the number now in the South.

This article shows that industry and wealth are spreading their energies over the face of the whole South in a most remarkable degree. Is it inappropriate that I cite this fact in connection with a bill for education in the same section? If our young and business men are going into that beautiful country to start coal-mines, put up iron-mills and cotton factories to develop its material resources, is it not incumbent on us from all sections to promote there the cause of education? You need skilled labor. The negro is most naturally an agricultural laborer. You need educated men to enter your manufacturing establishments. Looking at the Senator from Mississippi, as he is directly before me, I am reminded that in the last census it is stated that Mississippi alone, under full and scientific cultivation and development, can produce the entire 6,000,000 bales of cotton which the whole South now produces. I would gladly live to see the people of the South realize the wealth and power there is for them in that great cotton belt running from Eastern North Carolina to Western Texas. When the hum of machinery is heard throughout that vast region, when manufactories are built in the cotton fields, when the production and the manufacture combine to make the profits, with no transportation account to pay, then will the South be the wealthiest portion of this Union, if not of the world.

Sir, the scholarly Senator from Texas who sits before me [Mr. COKE] ventured to predict that the bill now being considered would be a Pandora's box to the South. Who was Pandora, and what was her box? There are different versions, but according to my memory of Grecian mythology she was the "all-endowed" beautiful woman to whom was intrusted a box filled with winged blessings for mankind. Her curiosity tempted her to open it, when all the blessings escaped and flew away with the single exception of Hope. There are other accounts as to the contents of her box, but I choose to adopt this, and to say that if this bill only brings you hope it will not be in vain. Hope is earth's greatest comfort. But the other blessings in the bill will not fly away. They will remain in the shape of school-houses and colleges, lighting your hilltops and illuminating your valleys, and securing a higher plane of existence and enjoyment for the present and coming generations. Rather will this measure when it becomes a law be to the people of the South as the shield of Achilles to the Grecian warrior, a measure of safety, defense, power, and bearing with it every element of beauty, refinement, wealth, culture, domestic pleasure, and Christian grace which the cultivation of letters and the promotion of the sciences and arts can bestow upon a great and upright people. The shield which Thetis bore from Vulcan to Achilles before the walls of Troy was emblazoned all over with opulent cities, prosperous villages, smiling plains—

Rich crops waving for harvest,

Reapers, reaping the crop with the bright hooks grasped in their right hands vineyards with "the dark grapes hanging in clusters;" herds of straight-horned, beautiful oxen; council chambers of high debate; scenes of domestic happiness; marriage feasts, with music, dance, and song; and

All the constellations that gem, like a diadem, night's brow;  
Pleiades, and Hyades, and the glory of mighty Orion.

Sir, as the shield of the hero was an emblem of the power, the glory,



and the civilization of Greece, so to my mind is the measure now before the Senate a symbol and a sign of the future prosperity of the South and of the general welfare of the whole country.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. JONES, of Florida. Mr. President, a great deal has been said here with respect to the power of Congress to enact this bill. In the few remarks that I addressed to the Senate when this debate opened I gave clear expression to my opinion in respect of that power. I have not any more doubt about it now than I had then and I am not going to repeat myself, but what I want to say now is that the Senate on former occasions has indicated what its power was over subjects of this character.

I do not complain that public men shall change their opinions about constitutional power. I never cite the vote of any Senator here and parade it before the body or the country to show that he is inconsistent. I do not think there is any inconsistency whatever in a public man voting at one time a little different from what he did at another; but I say when this great body establishes a precedent of power by its votes as an entirety, it is always legitimate to refer to it as a source of information. The Supreme Court of the United States would feel humiliated if in the discussion of a great legal question a lawyer were to bring before it one of its own decisions in point and say: "This question, your honors, is *res adjudicata*; you decided so and so in a previous case, and that is the question now before the court." Of course the court sometimes overrules itself, but always with some degree of humiliation. I do not argue that a political body should not be bound down to strict rules of judicial *res adjudicata*, but after the Senate has committed itself on this question of power, as I claim that it has, it is a little too late in the day for any member of it to ridicule the views of those who entertain the opinion we do.

Now, Mr. President, I hold in my hand a bill that came from the House of Representatives in 1878 to aid the blind to see, or at least to improve those who were deprived of the great power of vision, by helping a great institution located in Kentucky, the State of my friend on my left [Mr. BECK]. It was thought that the interests of that great institution might be subserved and the interests of the blind all over the Union promoted if it could get \$250,000 out of the tax money of the people of the United States. They did not ask that it should come from the proceeds of the public lands; there was no disguise about it. This great institution created in the interest of this unfortunate class of people wanted help and they appealed to this great power. The bill passed the other House and came here. I say in my place in the Senate to-day that every constitutional objection that can possibly be urged—I will not go any further—to the bill now before the Senate could be urged to the bill that I hold in my hand and which passed.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Florida will suspend for a moment. It becomes the duty of the Chair to remind him that the debate is proceeding by unanimous consent. Under the agreement it is to proceed after 3 o'clock under the five-minute rule.

Mr. JONES, of Florida. I ask, with the permission of the Senate, that the bill may be read.

Mr. CALL. I yield my time to my colleague.

Mr. JONES, of Florida. Mr. President—

Mr. MORGAN. If that is to be done, I think it is a violation of the understanding of the Senate. I have been attacked here by two Senators this morning *in extenso* and *furioso*, and I have not asked the Senate to give me any time to reply to them. I will take occasion to do that when the measure of the Senator from Vermont [Mr. MORRILL] comes up, which I expect to move as a substitute for this bill before we get through. I object to any Senator's time being extended.

Mr. JONES, of Florida. The Senator has himself taken up so little time heretofore in discussing the bill—

Mr. MORGAN. And some Senators have been absent from this District during much of the time that the discussion has been going on.

The PRESIDENT *pro tempore*. The Senator from Alabama expresses an unwillingness to consent to an extension of the time of the Senator from Florida.

Mr. JONES, of Florida. I wanted to ask that the bill be read and that the record of two bills passed by the Senate might be laid before the body.

Mr. BLAIR. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. JONES] is, under the rules, entitled to the floor. The bill will be read if there be no objection.

Mr. BLAIR. Have I the floor?

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. ALLISON. What becomes of the understanding had in the Senate?

The PRESIDENT *pro tempore*. The Chair, as the older Senators all know, by the rules of the Senate has never been understood as authorized to enforce an understanding, it depending upon the consent of the members of the Senate. Therefore the Chair is obliged to hold that the Senator from Florida is entitled to the floor and may speak, under the rule, as long as he thinks fit.

Mr. HARRIS. Has not the five-minute rule become a rule of the Senate in its application to this bill, and is it not as much the duty of the Chair to enforce it as to enforce any other rule of the body?

The PRESIDENT *pro tempore*. The Chair does not so understand it under the constant practice of the Senate.

Mr. JONES, of Florida. I do not wish to take advantage of the ruling of the Chair, although it is entirely right, and I shall not proceed without unanimous consent.

Mr. BLAIR. Perhaps I can make a suggestion which will relieve us of difficulty.

The PRESIDENT *pro tempore*. The Senator from Florida has taken his seat, and the Chair recognizes the Senator from New Hampshire to speak on the pending amendment.

Mr. BLAIR. If the Senator from Florida will pass me the data he would like to give the Senate I will occupy my five minutes in placing them before the Senate.

Mr. CALL. If the Senator from New Hampshire will allow me—

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. BLAIR. I do not like to yield.

The PRESIDENT *pro tempore*. The Senator from New Hampshire does not yield.

Mr. BLAIR. In one moment I will conclude.

Mr. CALL. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Florida rises to a point of order. He will state it.

Mr. CALL. I was recognized by the Chair immediately on the conclusion of my colleague's remarks and took the floor.

Mr. BLAIR. I yield the floor to the Senator from Florida [Mr. CALL].

Mr. CALL. I yielded the floor to my colleague. I desire to know if it is not in order that he shall proceed?

The PRESIDENT *pro tempore*. The Chair does not so understand it. Under the practice of the Senate every Senator must speak in his own time.

Mr. CALL. I submit to the Chair if a Senator takes the floor and is recognized, has he not the right upon the appeal of another Senator to be interrupted by him?

The PRESIDENT *pro tempore*. The Chair thinks he has.

Mr. CALL. That was the fact. I gave way to my colleague. The question is whether he had the right to proceed and whether I had the right to do it.

The PRESIDENT *pro tempore*. The Chair does not think that the Senator from Florida who is now addressing the Chair can rise and yield his time to his colleague. The order of the Senate, by unanimous consent, was that the debate should be governed by the rule about appropriation bills, which is to confine debate on amendments thereto to five minutes by any Senator on the pending motion. That, therefore, does not allow several Senators to speak for fifteen or thirty minutes. The Chair decided that the Senator from Florida in front of the Chair [Mr. JONES] was still entitled to the floor until he surrendered it in his own right; but he did surrender it, and the Chair recognized the Senator from New Hampshire, who is now entitled to the floor.

Mr. BUTLER. Will the Senator from New Hampshire permit me to interrupt him for a moment?

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. BLAIR. I desire to occupy the floor for the purpose of placing before the Senate the matter which the Senator from Florida desired to have stated and for no other purpose. Since I have but five minutes in any event, I do not like to have the time otherwise occupied. If the Senator from Florida desires me to do it, I will do so. If he does not, I will yield the floor and he can introduce that matter at some later stage of the debate.

Mr. JONES, of Florida. I said distinctly to the Senate that I did not wish to take advantage of the ruling of the Chair and proceed against the understanding of the body except by unanimous consent. I wish to speak but for a few moments. If that is not conceded to me, I yield the floor to the Senator from New Hampshire.

Mr. BLAIR. Will it not suit the Senator from Florida better at a later stage of the debate, upon some of the amendments, when he will be entitled to take the floor to introduce the matter himself that he wishes to present?

Mr. JONES, of Florida. Very well.

Mr. BLAIR. Then I yield the floor.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. VEST. Mr. President, on Saturday last the Senator from Indiana [Mr. VOORHEES] advertised the fact that he intended to proceed this morning to powder the Senator from Alabama [Mr. MORGAN] and myself into the smallest atoms possible. I have not lost any sleep on account of that threat and do not know that I suffer any injury in mind or body at present. It is not the first time that the war has not come up to the manifesto. The Senator's speech to-day was simply a succession of brilliant tropes and figures and second-hand rhetoric which never touched at all the measure before the Senate.

I can not congratulate him upon the fact that his attack upon me consisted of a very tawdry imitation of the attack made by the Senator from New Hampshire [Mr. BLAIR] the other day upon the Senator from Kansas [Mr. PLUMB]. It was hardly worthy of the oratorical or rhetorical brilliancy which usually accompanies the efforts of the Senator from Indiana. One would have supposed from the manifesto of Saturday and from his feeble attempt at classic brilliancy to-day that he was attempting to go back to the days of the Homeric era when as schoolboys we used to read of Tydides.

Hark to Tydides rushing from afar,  
As with his golden chariot wheels he thunders to the war.

Sir, there was once in this country a distinguished statesman who obtained the sobriquet of the Moses, who should lead the negroes to the promised land, and now his successor comes from Indiana, is a second Moses to lead the pickaninnies of the South to country school-houses in order to learn the doctrine of true democracy.

Whatever my views may have been, they are certainly as consistent as the political course of the Senator from Indiana and the speech he has delivered here to-day with the speeches he has made heretofore. I did vote for the resolution of the Senator from Kansas appropriating \$50,000 to assist the authorities of Kansas with their consent to extirpate the disease that threatened the cattle of the whole Union, and I believed then and believe now that I was clearly as a lawyer and as a statesman inside of the decision of the Supreme Court in *Gibbons vs. Ogden*, where it was decided that the authorities of the United States could assist the authorities of a State in exercising health and quarantine laws, because the general power was vested in the Government to regulate commerce. In the Kansas case I believe that the power to regulate commerce among the States brought that resolution within the constitutional power.

But, Mr. President, why talk about the Constitution? Why sing hymns when we have had a constitutional funeral such as has been solemnized throughout this debate? I have but this to say: I will never again undertake to stand here and make an argument upon the Constitution and appeal to this side of the Chamber to sustain me either upon precedents coming from statesmen or upon opinions of the Supreme Court. We have heard of the monkeys in council who sat in grave and deliberate judgment upon a question of state until some mischievous wag threw in their midst a handful of nuts, when the council broke up in the most "admirable disorder." One hundred and five million dollars has been thrown into this council of state and the monkeys are grabbing in every direction, and if that part of the menagerie from Indiana does not get its part of the nuts it will not be the fault of the distinguished Senator who has spoken to-day.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN and Mr. SAULSBURY. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, line 3, it is proposed to strike out "ten" before "years" and insert "eight;" so as to read:

That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit:

And in line 5, after the words "to wit," to strike out:

The first year the sum of \$15,000,000, the second year the sum of \$14,000,000, the third year the sum of \$13,000,000, and thereafter a sum diminished \$1,000,000 yearly from the sum last appropriated, until ten annual appropriations shall have been made, when all appropriations under this act shall cease.

And to insert in lieu thereof:

The first year the sum of \$7,000,000, the second year the sum of \$10,000,000, the third year the sum of \$15,000,000, the fourth year the sum of \$13,000,000, the fifth year the sum of \$11,000,000, the sixth year the sum of \$9,000,000, the seventh year the sum of \$7,000,000, the eighth year the sum of \$5,000,000.

The PRESIDENT *pro tempore*. These two amendments were by previous understanding agreed to be submitted as one, and the Chair will put the question on the two branches together if there be no objection.

Mr. LOGAN. Before the vote is taken on this amendment I desire to say a word. I shall vote for the amendment, but in doing so I wish to place upon the record my opinion at least that the amount fixed by the amendment as now proposed will not be adequate for that which is desired to be accomplished by the bill. For the purpose of aiding and assisting in the education of the illiterate children of the whole country certainly \$7,000,000 for the first year to be applied as a fund for the education of the number which the statistics show require aid can not be sufficient. The amount that is appropriated annually by several of the different States of the Union for common schools within their own limits is greater than the amount here for the aid of all the schools. My own State appropriates \$7,000,000 per annum for common-school purposes. My judgment is that this sum is totally inadequate to accomplish the object that we desire.

In proposing the amendment that I did the other day, which was voted down by a very large vote in the Senate, I believed that the amount commencing and running up to \$20,000,000 and then decreasing annually until the last amount will be \$6,000,000 would have accomplished something in the direction that we all seem to be moving. But the opinion of the Senate is otherwise, and that it may not be con-

sidered that I shall obstruct in the slightest degree any measure that is calculated to aid and assist in the education of the children of our country, and especially when it is the education of the poor and unfortunate in many parts of our country who are entitled at least to receive aid and benefit from somewhere, I shall vote for this amendment if it shall seem to meet the judgment of a considerable majority of the Senate after having stated that I do not believe that it will accomplish the object that we desire shall be accomplished.

The aggregate amount proposed is \$77,000,000 in eight years. Let us reflect for one moment. It is \$77,000,000 to be distributed through eight years to aid and assist in the education of all the children of the country. Almost \$75,000,000 is expended annually in this country now for the education of the children, and you propose to take the amount that is absolutely necessary to be expended in one year and distribute it over eight years; and can you imagine that this is going to accomplish much in educating the unfortunate children of this country? I do not believe it; but at the same time—

Mr. HOAR. Will the Senator allow me to interrupt him, although I do not know that I ought to do so in his five minutes?

Mr. LOGAN. Certainly.

Mr. HOAR. The Southern States raise only about \$14,000,000 now.

Mr. LOGAN. I understand so.

Mr. HOAR. In the year when \$15,000,000 are distributed about \$11,000,000 will be given to those States which now raise \$14,000,000.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Illinois that according to the understanding his time has expired, but he is still entitled to the floor under the rules.

Mr. LOGAN. I shall not claim it. I merely desired to make these remarks in order that I might give my views in reference to what may be accomplished by the amendment.

Mr. BLAIR. I have marked here the four States that pay over \$7,000,000 annually for educational purposes.

Mr. LOGAN. If I may be allowed, I will merely call attention to a memorandum given me by the Senator from New Hampshire [Mr. BLAIR]. The school fund annually of Illinois is \$7,858,414; of New York, \$10,923,402; of Ohio, \$8,133,622; of Pennsylvania, \$7,994,705. Those States appropriate annually that amount, and the amount is increasing annually; and can we believe that the amount here proposed by the Senator from Massachusetts will accomplish our object?

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when Mr. HALE's name was called). I received a note from the Senator from Maine [Mr. HALE] stating that he is necessarily absent to-day. I am paired with him on all amendments to this bill. On this one he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. ANTHONY], but I am informed by the Senator from Vermont [Mr. MORRILL], who was to decide as to the pair, that he would vote "yea" on this amendment. I shall therefore vote; I vote "yea."

Mr. VEST (when his name was called). I have a general pair with the Senator from Kansas [Mr. PLUMB]. I do not know how he would vote on this question. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. KENNA. I wish to announce that the Senator from Maryland [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. LAMAR. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were here, I would vote "nay" on the bill; and therefore I shall not vote on this question.

Mr. JONES, of Florida (after having voted in the negative). I desire to withdraw my vote, and announce my pair with the Senator from New Jersey [Mr. SEWELL].

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. MANDERSON. I wish to announce that on the bill and on all the amendments my colleague [Mr. VAN WYCK] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. MORGAN (after having voted in the negative). Since I have voted I have arranged a pair with the Senator from Arkansas [Mr. WALKER], who is absent, and I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. LOGAN. Inasmuch as I see on both sides of the Chamber the desire to have the amount reduced, I shall vote "yea."

The result was announced—yeas 38, nays 12; as follows:

#### YEAS—38.

Allison,	Dolph,	Hoar,	Pike,
Bayard,	Edmunds,	Jackson,	Platt,
Blair,	Frye,	Jonas,	Pugh,
Call,	Garland,	Kenna,	Sawyer,
Camden,	George,	Logan,	Sherman,
Cameron of Wis.,	Gibson,	McMillan,	Voorhees,
Colquitt,	Hampton,	Manderson,	Williams,
Conger,	Harrison,	Miller of Cal.,	Wilson.
Cullom,	Hawley,	Miller of N. Y.,	
Dawes,	Hill,	Morrill,	



## NAYS—12.

Brown,  
Butler,  
Cockrell,Coke,  
Groome,  
Harris,Maxey,  
Pendleton,  
Ransom,Saulsbury,  
Slater,  
Vance.

## ABSENT—26.

Aldrich,  
Anthony,  
Beck,  
Bowen,  
Cameron of Pa.,  
Fair,  
Farley,Gorman,  
Hale,  
Ingalls,  
Jones of Florida,  
Jones of Nevada,  
Lamar,  
Lapham,McPherson,  
Mahone,  
Mitchell,  
Morgan,  
Palmer,  
Plumb,  
Riddleberger,Sabin,  
Sewell,  
Van Wyck,  
Vest,  
Walker.

So the amendment was agreed to.

Mr. HOAR. I now move to amend the second section by striking out, after the word "States," in line 6, the words "and until otherwise provided such computation shall be made according to the last preceding published census of the United States," and inserting:

Such computation shall be made according to the census of 1880.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. HOAR. I now move to amend the eleventh section of the bill by striking out all after the word "child," in line 7, in the following words:

An opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided, and new ones may be established, as may be deemed best in the several localities:

And to insert:

Without distinction of race or color, an equal opportunity for education. The term "school district" shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. HOAR. I wish to say a few words in favor of the amendment. I appreciate the force of the arguments which have been advanced by many Senators, whether as arguments upon the Constitution or as addressed to the sound discretion of the General Government. I am not myself in favor of using the taxing power to compel the States to pay a sum of money for common-school purposes which shall be returned to them on condition that they manage their common schools in a certain way. Without questioning the power in this particular case, I think we shall all, on both sides of the Chamber, be unanimously of the opinion that it is a power which it is inexpedient to exercise. I am in favor of adding to the ordinary branches taught in our common schools in my State a provision for what is called industrial education within reasonable limits, for teaching the pupils so to apply scientific knowledge that it may be made useful in the practical arts of life. That is what I understand by industrial education; but that is not, to say the least, universal in the common schools of this country. To compel a State to raise its share or any share of \$100,000,000, perhaps all it can raise for school purposes might be taxed in that way within the limits of its ability to pay, and to return the State's portion of that money from the General Government only on condition that it manages its schools in a certain way does seem to me an interference with the management of the schools, whether it be constitutional or not.

The bill when this is stricken out will contain no condition whatever except such conditions as are essential to make it certain, or as shall seem to Congress essential to make it certain, that the money shall reach its object. It is true this section is left then that the money shall be used in the school districts, and there is a provision later in the bill for teaching reading, writing, and geography; but as was very aptly and felicitously said by the senior Senator from Mississippi [Mr. LAMAR] the other day, those are not conditions imposed upon the States in substance; they are mere definitions. Instruction in reading, writing, and geography is a definition of the common-school system of this country. There probably is not a common school in the country in which those things are not taught. The bill permits the State to make an application beyond that if it sees fit, but it nowhere requires it as a condition.

My amendment strikes out the provision requiring the State to apply the money as far as may be for industrial education and inserts language so as to read: "thereby giving to each child, without distinction of race or color, an equal opportunity for education." Then it transfers to this section from another section, where the term "school district" is used, the definition which the bill now contains of the school district; that is, that it shall include the corporations, of whatever name, by which the States exercise this power.

Mr. SHERMAN. Mr. President, there are one or two observations which I desire to make in regard to this amendment. In the first place, I do not see what reason there is for striking out the clause which allows the money to be expended in "existing public schools not sectarian in character." That provision is stricken out. It seems to me that the public money of the United States ought to be distributed among schools not sectarian in their character. I think that phrase or its equivalent in some form should be retained.

Mr. HOAR. The Senator will pardon me; the clause which is stricken out was intended to authorize giving this money to schools which were

not common schools, not belonging to the general common-school system, if there were public colleges and things of that kind, and therefore if that was to be done sectarian schools ought to be prohibited. But as the bill is now limited to the common-school system of the States, in which in no instance in the country is there any sectarianism allowed, that does not become necessary.

Mr. SHERMAN. Where is the provision in the section that confines it to common schools?

Mr. HOAR. The language is that the moneys "shall be used in the school districts of the several States and Territories," that school district being the city, town, parish, or corporation clothed by law with the power of maintaining common schools, which is the definition.

Mr. SHERMAN. But here is the trouble. The Senator moves in line 7 to strike out the words "an opportunity for common-school and, so far as may be, of industrial education." I desire to see that clause preserved, and made to read "an opportunity for education in common schools not sectarian in character."

Mr. LOGAN. It ought to provide for common schools alone.

Mr. SHERMAN. That is what I propose. Therefore I hope the Senate will not strike out that language in the section, but leave it so that it will read "thereby giving to each State an opportunity for common-school education not sectarian in character."

Mr. HOAR. If the Senator will allow me, we agree in our opinions absolutely; there is no difference. I think I have accomplished what the Senator desires; but the fact that he does not think so is enough to make me desire to go further in expressing it. Suppose we add in the second line so as to make it read "shall be used in the school districts of the several States and Territories for common schools only in such way as to provide," &c. That will accomplish it.

Mr. SHERMAN. I think the words "not sectarian in character" ought to accompany "common schools," so as to make it read "an equal opportunity for education in common schools not sectarian in character."

Mr. HOAR. But there are no common schools sectarian in character, and can not be from the necessities of the case. It does not seem to me that it is worth while to use that language. It is like the suggestion as to a law against parricide. Nobody can suppose that a common school in any State or Territory within eight years from this time will become a sectarian school.

Mr. SHERMAN. It is well enough to guard against that. Such a provision is contained in the school laws of nearly all the States, and I think it ought to be kept here. I know that there exist in some of the large cities common schools, perhaps not by that name, but essentially common schools for the very lowest grade of learning, that may become sectarian in character.

Mr. HOAR. I have no objection to it.

Mr. SHERMAN. I think it ought to be included.

Mr. HOAR. Let my amendment be adopted as I have stated it, and then let the Senator move, or I will if he pleases, to insert the words after the word "Territories," in line 3.

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. PENDLETON. Let it be reported.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the amendment.

Mr. SHERMAN. In connection with that, and as part of the same, the Senator from Massachusetts says he will accept so far as he is concerned an amendment in the second line, so as to read "that the money distributed under the provisions of this act shall be used in common schools not sectarian in character in the school districts of the several States and Territories," the words to be added coming in after the word "used," in line 2.

Mr. HOAR. That is a separate amendment.

Mr. SHERMAN. But it is part of the same—"shall be used in common schools not sectarian in character."

Mr. HOAR. "Only in common schools."

Mr. LOGAN. Let it read "shall be used only in common schools not sectarian in character."

Mr. SHERMAN. I will add the word "only," so as to read, "shall be used only in common schools not sectarian in character." That is already in the bill.

The PRESIDENT *pro tempore*. In what line does the Senator from Ohio propose his amendment to come in?

Mr. SHERMAN. In line 2, after the word "used."

The PRESIDENT *pro tempore*. That is an amendment in a separate part of the section not now under consideration.

Mr. SHERMAN. But it is simply a transposition of the parts stricken out below. Part of the words stricken out below are preserved by the amendment I suggest. The same words are to be found in lines 8 and 9. It has been understood that these words should be inserted.

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Ohio being considered a part of the amendment of the Senator from Massachusetts?

Mr. PENDLETON. We have not been able to hear my colleague upon this side of the Chamber. If there is a necessity that I should do

it I will move to strike out any word there in order that he may tell us what it is that he desires. I have not been able to hear him.

Mr. HOAR. The vote had better be taken separately on the two questions.

Mr. SHERMAN. I will explain my amendment, then. I find in the section as it now stands, lines 8 and 9, that the fund is limited to the support of common schools "not sectarian in character." It is proposed to strike out and to insert words to which I have no objection, "without distinction of race or color." I propose to transfer the words "common schools not sectarian in character" and to put these words in line 2, so as to read:

That the moneys distributed under the provisions of this act shall be used only for common schools not sectarian in character, in the school districts, &c.

The PRESIDENT *pro tempore*. That amendment is not, as the Chair thinks, now in order, the Senator from Massachusetts declining to modify his amendment, and he could not do it without unanimous consent, as it is in a separate part of the section. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. CALL. I wish to ask the attention of the Senate to the fact that the amendment proposed by the Senator from Massachusetts prevents the use of any part of the money for industrial education.

Mr. HOAR. The Senator will pardon me. It leaves the States at perfect liberty to apply it in that way, but it does not compel them to use it for industrial education unless they desire.

Mr. CALL. I should have said that the amendment did not, but the bill with the words "industrial education" stricken out, as I understand it, limits the use of this money to common schools, to teaching reading, writing, and such branches as are known under the general term of a common-school education.

Mr. HOAR. The Senator will pardon me, it provides expressly in another part of the bill that the States may teach such other things as they choose in their common schools.

Mr. SAULSBURY. Mr. President, I have not given any attention to the details of the bill because I am opposed to the bill upon principle. I am opposed to it as a scheme, and I have paid but very little attention to the details of the bill. I shall vote against the bill, and I am inclined to vote against every amendment that is offered to it. I understand that certain amendments have been fixed up in a caucus for the purpose of being ingrafted on the bill. If that is the case I have no disposition to aid in the caucus scheme in reference to this measure. I am not disposed to consider that a matter fixed up in reference to a bill that is wrong in itself can be right. I do not think that the Republican caucus can ingraft any provision upon a bill which I think is obnoxious and wrong from beginning to end that is right. I am free to confess my views of this whole scheme. It makes very little difference to me whether the matter is perfected or becomes more obnoxious by amendments that may be offered to it. I shall content myself therefore either with not voting at all upon the amendments or voting against those which I understand were fixed up in a caucus.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. SHERMAN. I now move to insert the words I proposed a moment ago. In section 11, line 2, after the word "used," I move to insert the words "only for common schools not sectarian in character;" so as to read:

That the moneys distributed under the provisions of this act shall be used only for common schools not sectarian in character in the school districts of the several States and Territories, &c.

Mr. GEORGE. There is no objection to that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. MORGAN. I should like to inquire whether the object of that is to exclude Catholic communities that may have chartered rights to establish common schools from the benefit of this fund? As I understand the amendment, it can have no other purpose, because corporations, cities, parishes, and other institutions of a municipal character authorized by the laws of the respective States to conduct common schools are included in this provision of the bill. They are provided for, and it is enacted that the money shall be paid to them.

There are Catholic institutions, Catholic corporations, and perhaps municipalities within the States under the control of the Catholic Church, and we very well understand that that great denomination of people have for a long time been turbulent I may say, have complained a great deal that they are compelled to contribute out of their taxes to the common-school funds of the country and yet are compelled to have their children educated in those schools by teachers whom they regard as not being better than pagans. If the purpose of the amendment is to drive the Catholics into a corner I should like to understand it.

Mr. SHERMAN. I have no purpose except to preserve a clause that I believe is in the laws of nearly all the States of the Union. This amendment is not aimed at the Catholics, nor at the Methodists, nor at the Presbyterians, nor at any form of religious worship. It simply declares that in the distribution and use of the public money, both State and national, the money shall be disbursed and used for non-sectarian schools, not to propagate any faith, not even the Christian faith; not to propagate Catholicism, nor Presbyterianism, nor any other creed.

This same provision, I may say, is contained in the laws, I think, of nearly every State. If there is any common-school system in which the Catholics have exclusive control, I do not know of it. If there is any common-school system in which the Methodists have any control, I do not know of any. The amendment simply declares the general principle that the money shall be used in the common schools free from sectarian influence.

Mr. FARLEY. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. FARLEY. What common schools are sectarian in their character? I do not know of any common schools in the United States that are thought to be sectarian.

Mr. SHERMAN. I do not think there are any, but the words are found in the general laws.

Mr. FARLEY. My question leads to this point: If there are no common schools that are sectarian in their character, why incorporate the amendment in the bill?

Mr. SHERMAN. In the first place, because it is in the bill as it stands; it is in every school law. I believe myself that the Catholics of this country are coming to the conclusion that many of their ideas about common schools are erroneous. I know of my own knowledge that in many communities all the children, Catholics as well as Protestants, go to the common schools, and that certainly ought to be the rule.

Mr. SAULSBURY. I should like to ask the Senator from Ohio what would be the effect if the board of school commissioners in any district or in any county should determine that they would have a Protestant Bible taught in that school, whether that would be regarded as a sectarian school?

Mr. SHERMAN. That is a question I do not wish to answer. We had a great deal of controversy in our courts in Ohio about that, and our courts I think held that that could not be prescribed by the trustees.

Mr. HOAR. I do not think that the amendment of the Senator from Ohio is necessary, because I think the idea is expressed in the bill; but if a Senator of his great experience and intelligence thinks the bill should be made more clear by inserting the language he suggests, I shall myself defer to his opinion and vote for it.

We have, I suppose, as large a proportion of Catholics in the State and in the city where I reside as in any community in the United States, with scarcely an exception, and there is no class of our community that, as a rule, are more staunch friends of our common-school system. The Catholic members of the school board sit side by side with the Protestants, urging the most liberal expenditure and the most careful supervision, and, with very few exceptions indeed, the members of that great and influential sect prefer that the common-school system shall be kept from any sectarian or priestly influence.

Mr. BLAIR. May I make a suggestion that I think will satisfy everybody? We need to put this provision in so that the Mormons will not get any of the fund.

Mr. JONES, of Florida. It seems to me to be a work of supererogation to put an amendment of this kind on the bill. There is nothing sectarian in it, I think, as it now stands.

Mr. SHERMAN. The words are in the bill.

Mr. JONES, of Florida. I am willing to accept it as it is. The Senator from Ohio has said that he does not know that any of the schools in the United States are now under sectarian influences. This over-particularity might give offense in some quarters where it would be better that none should be given. I think we can trust the disposition of this fund to the schools as they exist in the United States under the respective systems, for that I think is the purport of the bill—to give this money to the States to aid the schools as now existing.

Mr. ALLISON. The common schools.

Mr. JONES, of Florida. The common schools; and it is entirely unnecessary in my opinion to incorporate a provision to provide against a contingency that can not exist, and therefore give rise to comment among religious sects that by an overexertion of power and particularity it was attempted to discriminate against them in some way. I do not think it is wise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. SAULSBURY. I do not know that I have a right to speak again, but I may put a question. I wish to ask the Senator from Ohio whether the courts in his State have not decided that opening the schools with the reading of a chapter in the Bible in the morning constituted the school in which that was done a sectarian school, and whether if the bill is passed with the amendment which he offers common schools could be opened in the State of Ohio by reading a chapter from the Bible without constituting them sectarian schools? I understand that that has been the decision of the courts in Ohio, and that the supreme court of that State has affirmed that the reading of a chapter from the Bible constitutes a school a sectarian school.

Mr. SHERMAN. I do not so understand the decision. It was a construction upon the phraseology of the Ohio law. Without that law be-



fore me I should not like to undertake to state the decision of the court. They simply held that the trustees had no power to prescribe the reading of the Bible, if I remember correctly. My colleague, who lives in the city where the case occurred, will know much better than I. My impression is that it was a simple construction of the law of Ohio, probably differently worded from any law we have before us.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. JONES, of Florida. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I wish to state once for all that I am paired upon this measure with the Senator from Maine [Mr. HALE]. I do not know how he would vote on any of these questions. I think I would generally vote "nay."

Mr. GORMAN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH] on all amendments, as well as on the bill itself.

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. He is opposed to the bill. Therefore I shall not vote on this amendment.

Mr. MORGAN (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER]. If he were here, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call having been concluded, the result was announced—yeas 32, nays 18; as follows:

## YEAS—32.

Allison,	Frye,	Jackson,	Pendleton,
Blair,	Garland,	Kenna,	Platt,
Brown,	Gibson,	Lapham,	Pugh,
Camden,	Hampton,	Logan,	Riddleberger,
Conger,	Harrison,	McMillan,	Sawyer,
Dawes,	Hawley,	Manderson,	Sherman,
Dolph,	Hill,	Miller of N. Y.,	Voorhees,
Edmunds,	Hoar,	Morrill,	Williams.

## NAYS—18.

Bayard,	Coke,	Harris,	Slater,
Butler,	Colquitt,	Jonas,	Vance,
Call,	Cullom,	Jones of Florida,	Wilson.
Cameron of Wis.,	Farley,	Maxey,	
Cockrell,	George,	Ransom,	

## ABSENT—26.

Aldrich,	Groome,	Miller of Cal.,	Saulsbury,
Anthony,	Hale,	Mitchell,	Sewell,
Beck,	Ingalls,	Morgan,	Van Wyck,
Bowen,	Jones of Nevada,	Palmer,	Vest,
Cameron of Pa.,	Lamar,	Pike,	Walker.
Fair,	MCPHERSON,	Plumb,	
Gorman,	Mahone,	Sabin,	

So the amendment was agreed to.

Mr. HARRISON. I now move the first amendment proposed by me the other day, which is to strike out all of section 3 and insert in lieu thereof what is on the desk of the Secretary.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana will be reported.

The CHIEF CLERK. It is proposed to strike out all of section 3 and to insert in lieu thereof:

SEC. 3. That no State or Territory shall receive any of the benefits of this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the character of the school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of school-houses; whether any discrimination is made in the raising or distributing of the school revenues or in the school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived; the manner in which the same were apportioned to the use of the schools; the number of white and the number of colored schools; the average attendance in each class, and the length of the school term. No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color either in the raising or distributing of school revenues or in the school facilities afforded: *Provided*, That separate schools for white and colored children shall not be considered a violation of this condition. The Secretary of the Interior shall thereupon certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act and also the amount due to each.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. HARRISON. I suppose Senators have generally read the amendment with sufficient care to understand its effect. As the bill was originally reported from the committee the distribution for the first year was to be made without any report at all from the States. The fund appropriated was to be distributed to all the States upon the basis of illiteracy named in the bill, without any preliminary report being required. The amendment which I proposed early in the discussion of the bill to the effect that the amount apportioned to each State should not exceed the amount which the State had given the preceding year out of its own revenues applied to common-school education made it necessary in my judgment that we should have from the State some preliminary report as to the condition of schools in the State in the

first place, with a view of ascertaining from an official report whether the particular State did maintain within its limits a system of free common-schools without distinction of race or color, except (and the amendment provides for that) that a system of separate black and white schools should not be considered a distinction of race or color; and also that we might have an official report as to the amount of money which had in the preceding year been expended by the State, in order that the Secretary of the Interior in making his distribution of the amount appropriated from the public Treasury might know just how much should go to each State.

If Senators have observed the amendment they will see that it requires simply in advance the same information which in the original bill was required to be furnished by the proper officers of the State at the end of the first year and as a prerequisite to any second allotment under the bill. It does not introduce, as I think, any new conditions; it does not require any other action on the part of the State except that it requires it to be taken in advance of the first allotment in order to furnish us the basis on which this fund may be distributed.

I take it, therefore, that those who found nothing objectionable in the bill itself and in its requirements as to reports from the several States will find nothing objectionable in this amendment, which simply requires, as I have said, a preliminary report from the States upon the same matter.

I desire to suggest that the word "common," before the word "school," in line 6 in the amendment which I have proposed, should be inserted.

Mr. LOGAN. Will the Senator allow me to call his attention to line 29 in the amendment?

Mr. HARRISON. Line 29 is not in this amendment.

The PRESIDENT *pro tempore*. How does the Senator from Indiana modify his amendment?

Mr. HARRISON. By inserting the word "common" before the word "school," in line 6 of the amendment. The President is probably looking at the bill as printed with the amendments. I refer him to the separate print of the amendment. It corresponds with line 14 of the printed bill, "showing the character of the common-school system."

The PRESIDENT *pro tempore*. The Senator from Indiana is entitled to modify his amendment, and the Chair understands him to modify it by inserting, after the word "the" and before the word "school," in line 14 of section 3 of the last reprint, the word "common."

Mr. HARRISON. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. HARRISON. It has also been suggested to me—and while I do not think it necessary I yield to the suggestion—that in line 29, section 3, after the words "distinction of," the words "race or" should be inserted before "color;" so as to read "without distinction of race or color."

The PRESIDENT *pro tempore*. The Senator from Indiana modifies his amendment, in line 29, section 3, by inserting after the words "distinction of" the words "race or." It will be so modified.

Mr. BUTLER. Why not insert "nativity" after "color," I suggest to the Senator from Indiana?

Mr. HARRISON. Does the Senator from South Carolina know of any such distinction contained anywhere? I have no objection to it, however.

Mr. BUTLER. Certainly I do. The State of Rhode Island makes some distinction of that kind.

Mr. HARRISON. In its school system?

Mr. BUTLER. Not in the school system, but in the matter of voting.

Mr. HARRISON. We are dealing here simply with the school system, and as I have never heard anywhere in the country of a distinction being made as to the nativity of a child in the school facilities afforded, I think I shall decline to accept the amendment proposed by the Senator from South Carolina.

The PRESIDENT *pro tempore*. The time of the Senator from Indiana has expired.

Mr. HARRISON. Will the Senate indulge me simply to suggest two other verbal corrections in the amendment?

The PRESIDENT *pro tempore*. The Senator has a right to speak to any new amendment he proposes under the understanding.

Mr. HARRISON. In order, then, that this descriptive word "common" may be carried through the amendment, I propose that in section 3, line 20, at the beginning of the line, before the word "school," the word "common" shall be inserted, and also in the same line after the word "the" and before "school."

The PRESIDENT *pro tempore*. The Senator from Indiana modifies his amendment in section 3 of the reprint by inserting after the word "the," at the end of line 19, the word "common," and after the word "the," in the 20th line, the word "common;" so as to make the word "school" wherever it occurs there read "common school." The amendment is modified accordingly.

Mr. HARRISON. Then in line 27, section 3, instead of the words "that have not provided" I propose to insert "shall not have provided."

The PRESIDENT *pro tempore*. And in line 27, section 3 of the re-

print, the Senator from Indiana modifies his amendment so as to make that line read:

No money shall be paid out under this act to any State or Territory that shall not have provided, &c.

Mr. WILLIAMS. Mr. President, there is not a more ardent supporter in the Senate than myself of the general principles of this bill, but I can not consent to support an amendment which proposes to compel the governor of a sovereign State to report to the Secretary of the Interior. The clause as it stands suits me perfectly well, and I am opposed to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. BLAIR. If any one will examine the language of the original section and compare it with this language to which allusion has been made in the amendment, he will see that there is absolutely no difference whatever in the meaning of the original section and of the amendment. The amendment says that no State or Territory shall receive the benefits of this act until a report has been made. The other provides that the Secretary of the Interior shall receive a report which shall be made by the State officer. It is only a preliminary condition upon the performance of which the money may be received in either case. The State is under no necessity of performing this condition unless it sees fit. It is not any change whatever in the force or meaning of the bill.

Mr. WILLIAMS. I beg pardon of my friend from New Hampshire, because the original section says:

That the Secretary of the Interior, at the close of each fiscal year, shall ascertain the total amount of the school fund to which the States and Territories and the District of Columbia are entitled under the provisions of this act.

And the amendment as proposed requires that the governor shall report to the Secretary of the Interior. There are other means of ascertaining besides requiring the governor of the State to report to a Cabinet officer.

Mr. JONES, of Florida. Mr. President—

Mr. HOAR. The Senator will pardon me—

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. HOAR. I merely wish—

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. JONES, of Florida. Yes, sir.

Mr. HOAR. If the Senator from Kentucky will look at the thirteenth section of the bill he will find there an imperative mandate—

That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor.

True, that is stricken out. That was an order that the report be made. Instead of that the language in this amendment only says that the money shall go if the governor makes the report. The bill as it stood ordered the governor. That is stricken out and softened by the present amendment.

Mr. JONES, of Florida. Mr. President, it seems to me that there is a great deal more importance attached to these reports than is necessary. In the bill to which I drew the attention of the Senate a while ago a similar report was required to be made—the bill for the education of the blind. There is nothing in the present bill which says from what quarter the report shall come, and it may be from the chief of the educational bureau of the State. Section 4 of the act approved March 3, 1879, which appropriated \$250,000 to aid in the education of the blind, has a similar provision. Let me read the whole act:

A bill to promote the education of the blind.

Whereas the trustees, superintendent, and teachers of the various State and public institutions for the instruction of the blind, representing the interests of over 30,000 blind persons in the United States, have united in a petition to Congress to take into consideration the needs of the blind in the United States; and

Whereas the Association of the American Instructors of the Blind, at their session in Philadelphia, in August, 1876, representing twenty-six State and public institutions for the instruction of the blind, have set forth in a series of resolutions that the especial needs of the blind are embossed books and tangible apparatus, and have recommended that if any aid should be given by Congress it would most efficiently come through increasing the means of the American Printing House for the blind, located in Louisville, Ky.; and

Whereas it appears that the Kentucky Legislature, in 1858, by an act of special legislation, declared James Guthrie, W. F. Bullock, Theodore S. Bell, Bryce M. Patten, John Milton, H. T. Curd, and A. O. Brannin, and their successors, a body corporate under the name and style of the Trustees of the American Printing House for the Blind, with the avowed purpose of printing books and making apparatus for the instruction of the blind of the United States for general distribution, and for the sake of philanthropy, and with no desire for pecuniary gain; and

Whereas the States of Louisiana, Mississippi, Tennessee, Kentucky, New Jersey, and Delaware have made appropriations for the aid of said American Printing House for the Blind, for which, on account of the outbreak of the civil war, only a small part of the money appropriated by the first three named States was ever available; and

Whereas by the money from the States of Kentucky, New Jersey, and Delaware, a printing-house for the blind was established, and is now supplied with presses, type, stereotype foundry, steam-engine, a well-equipped bindery, and all the appliances necessary for the manufacture of embossed books, and has for the last ten years been manufacturing embossed books superior in every way to any manufactured elsewhere, which have been distributed gratuitously to the blind in the States of Kentucky, New Jersey, and Delaware, by which the blind in those States have been very much benefited; and

Whereas it is desirable that the blind of the whole country should be equally

benefited, and the intentions of the trustees to establish an educational institution of the most practical beneficence and wisest philanthropy upon a national basis, should be accomplished, inasmuch as the education of the blind is a subject of national importance: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$250,000, out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

Sec. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at 4 per cent., of the issue of July, 1870, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

Sec. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semi-annually, to the trustees of the American Printing House for the Blind, located in Louisville, Ky., and chartered in 1858 by the Legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semi-annual interest upon the said bonds, upon the following conditions:

First. The income upon the bonds thus held in trust for the education of the blind shall be expended by the trustees of the American Printing House each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by this income shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House shall require; and each institution shall receive, in books and apparatus, that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

Second. No part of the income from said bonds shall be expended in the erection or leasing of buildings.

Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind, manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky.; and the price put upon each article so manufactured or furnished shall only be its actual cost.

Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Ky., are not using the income from these bonds for the benefit of the blind in the public institutions for the education of the blind in the United States.

Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of \$20,000, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

Sixth. The superintendents of the various public institutions for the education of the blind in the United States shall each, *ex officio*, be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Ky.

Sec. 4. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

SEC. 5. That this act shall take effect from and after its passage.

Such provisions are simple matters of detail, not affecting in the least the principle of the bill. Here was an act which appropriated out of the money in the Treasury \$250,000 to aid in educating the blind, and I ask in all seriousness if there exists authority in the Constitution to make that appropriation whether there does not reside a power there to educate those that can see?

As I have said, I attach no consequence to the individual votes of Senators, but I am invoking the action of the body to sustain itself, and I find that these bills have all these little details about them. But the great principle, after all, that lies behind is whether we have authority to appropriate this money. If we have we have authority to couple little conditions like those in the Kentucky bill.

Now, sir, where are you going to draw the line on this question? In the great case of *Gibbons vs. Ogden* Chief-Justice Marshall said that there was no authority in this Government to touch the health laws of the States, and after going over every power and authority that resided in the General Government on the subject of commerce he came down and said that there was no power in the General Government to make any law with respect to the public health in the respective States. Still we have departed from that, and I think I can say without exaggeration that if there ever was a judicial officer who carried the powers and functions of this Government to the fullest possible extent it was Chief-Justice Marshall; but he excepted out of the general power of this Government the power to touch the regulation of the public health in the States. But we have provided for that. We have established quarantine boards; we have quarantine officers in my own town receiving pay from the General Government and supervising the public health of the State.

I voted against the proposition referred to awhile ago by the Senator from Indiana [Mr. VOORHEES] to establish a national association of education because I discovered or thought I discovered in that proposition far more danger to the institutions of the State than in this. I felt at the time that it was not a wise thing to do to establish such a national authority; but when it is proposed to give a sum of money to



the States to be applied I say almost unconditionally—because there are no conditions in this bill that materially interfere with the independent exercise of the authority of the States over this domestic institution—I have to vote for it according to the precedents that have been established for my guidance by the votes of this body hitherto.

Mr. BROWN. Mr. President, I want to offer an amendment, if I am in order, to the amendment of the Senator from Indiana, which I trust he will accept, and which would, I think, make his amendment much less objectionable and still accomplish the same object. In line 12 of section 3, on page 3 of the bill, I would insert, after the word "until," the words "the school commissioner shall, under the direction of the governor thereof, file with the Secretary," striking out "governor."

Mr. HOAR. Suppose there be no school commissioner?

Mr. BROWN. There is in every State.

Mr. BLAIR. Would it answer to strike out "Secretary of the Interior" and insert "President," so as to have the report filed with the President?

Mr. BROWN. The real objection made on this side, I understand, is to the requirement that the governor of the State shall make report. I only desire to amend the section so that the proper State officer, under the direction of the governor, shall make the report. That will remove much of the objection.

Mr. HARRISON. I really can not see how the suggestion of the Senator from Georgia would avoid any difficulty here. If the objection is made that we can not make a distribution of this fund contingent upon the fact that a certain officer of the State, the governor, shall make a certain report, I do not see how you can make it contingent upon the fact that the school commissioner of the State shall make it. He is equally an officer of the State with the governor.

Mr. BROWN. I simply ask that you do not require the governor to make the report, whatever may be your authority, but that the proper officer under his direction shall make it.

Mr. HARRISON. I do not understand—

Mr. RIDDLEBERGER. I should like to ask the Senator from Indiana how the State could make report if it had no such officer?

Mr. HARRISON. I was going to make that suggestion; but I had used the word "governor" here because I knew it to be descriptive of an officer that nearly every State has. If I said "superintendent of public instruction" I should name an officer that is recognized under the laws of my State, but there might not be such an officer in Georgia.

Mr. BROWN. Then, if the Senator will permit me, I will say "the school commissioner, if there be one, or if there be none, the secretary of state." I believe there is a secretary of state in every State.

Mr. HARRISON. If I could see that this suggestion really relieved any difficulty, I would not hesitate to agree to it.

Mr. BROWN. I think it does relieve a great deal.

Mr. HARRISON. It seems to me that it does not. Undoubtedly the material for the report, perhaps the entire report which is to be submitted here, would be prepared by the school superintendent of the State, and it would simply need to be certified by the governor, under the provisions of the amendment which I proposed. It seems to me it practically means the same thing. If it is to be under the direction of the governor by the State superintendent, then, undoubtedly, the governor must in some way on the paper transmitted to the Secretary of the Interior certify it, and if he does I do not see why he could not, under the bill, pursue precisely the same course. And yet, if it be the duty of the Secretary of State, or the superintendent of public instruction, or whatever officer under the laws of the State may have charge of these statistics, he can most conveniently certify them, and the governor can use them and simply attach his own certificate under the bill.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment proposed by the Senator from Georgia.

Mr. BROWN. I desire to have it understood as it stands. It is:

The commissioner of education, if there be one, and if not, the secretary of state, under the direction of the governor.

Mr. HARRISON. If the Senator from Georgia will allow me, now, he says "commissioner of education." That is not the description of the officer in my State who is to do the duty, nor in Connecticut, as the Senator from Connecticut [Mr. PLATT] says. Therefore, if we do not happen to have an officer known as a school commissioner in every State, the amendment of the Senator would transfer the duty to the secretary of state, where it ought not to be at all. There are numerous States that have no such officer as a commissioner of education.

Mr. BROWN. What is the title of your officer?

Mr. HARRISON. Superintendent of public instruction.

Mr. HOAR. In our State the function is exercised by a board—the board of education.

Mr. HARRISON. I think we have named an officer here that all the States have, and he can choose the appropriate machinery in his State for getting the information, and simply certify it.

Mr. BROWN. Then to get at that point, as there is an officer we all have, I would modify the amendment so as to say "secretary of state." Every State has a secretary of state.

Mr. HARRISON. But he is not the officer who has charge of school matters in the State, and it is illogical to ask him to report on what he has not charge of.

Mr. CAMERON, of Wisconsin. The statistics concerning the schools do not come through the secretary of state at all in my State.

Mr. CONGER. I rise to a point of order. I ask whether the yeas and nays have not been ordered on the amendment of the Senator from Indiana?

The PRESIDENT *pro tempore*. An amendment is open to amendment after the yeas and nays have been ordered. It can not be modified after the yeas and nays have been ordered, but it is open to amendment by any Senator.

Mr. RIDDLEBERGER. The amendment proposed by the Senator from Georgia, it makes no difference how he puts it, it seems to me is utterly impracticable. We have no secretary of state in Virginia; we have no commissioner of education in Virginia, and three other Senators have stated the same thing on this floor in reference to their States. It just narrows itself down to this, that some gentlemen think a governor ought not to report to the Secretary of the Interior. That is all there is of it. At last it is a question of State rights. If there is any way of bridging over this little difficulty, something that will adjust itself to all the conditions, I am ready to vote for it. If the Senators do not want to have the governor of a State report to the Secretary of the Interior, then let him report to the President of the United States. The underlying principle of this whole bill is that of general education, and all this matter of reports is, if I may be pardoned the expression, mere quibble.

What I want is that this money shall go right down to Virginia for the benefit of the children of that State, and I care not who may be called upon to make the report nor to whom he may make it, so that there shall be an officer of that State on the one hand and an officer of this Government on the other, each being recognized, the one by the State and the other by the Federal Government.

I say again—and I want to call the attention of the Senator from Georgia to it—this will not meet the situation. Three Senators have answered that there is no such officer as a commissioner of education in their States. Two others have answered that there is no such officer as a secretary of state in their States. We all know that there is a governor in each State and the governor can make the report. If there be an objection of that sort that the governor ought not to report to the Secretary of the Interior, then I ask the Senator from Georgia to change that so as to require him to report to the President of the United States.

Mr. BROWN. I will offer the amendment in this shape: After the word "until," in line 12 of section 3, insert "the officer of the State in charge of public education shall, under the direction of."

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment of the Senator from Georgia [Mr. BROWN] to the amendment of the Senator from Indiana [Mr. HARRISON] will be reported from the desk.

The CHIEF CLERK. In section 3, line 12, after the word "until," it is proposed to insert "the officer of the State in charge of public education shall, under the direction of," so as to read:

That no State or Territory shall receive any of the benefits of this act until the officer of the State in charge of public education shall, under the direction of the governor thereof, file with the Secretary of the Interior a statement, &c.

Mr. HOAR. In my State I do not think any officer can be said to be in charge of public education. We have a board of education composed of twelve persons, I think. They have a secretary, who is an active and efficient person and does work of that kind; but I am not aware that he has any duties which could be properly described by the provision of the amendment. It seems to me that if you wish to avoid apparent compulsion on the governor you might say "until the governor or some proper officer of the State under his direction makes the report."

Mr. ALLISON. It seems to me that this is rather a delicate controversy. What is desired is correct and accurate information respecting the schools of the State. Now, who is the chief officer of the State? It is the governor. He has a right to receive from the superintendent of schools or the secretary of state or any officer in the State such information as may be required here. What is he asked to do? Simply to certify that information to the Secretary of the Interior. What for? In order that a proper basis of distribution according to law may be made to the several States. Now, is it possible that we are going to stand upon technicalities with reference to a particular officer in a State? What difference does it make with reference to any principle whether this is certified by a common-school superintendent or by the highest and most responsible officer in the State?

It seems to me that this is a necessary and proper provision in order that the Secretary of the Interior may make out the proper data, so as to reach not only to Georgia but to every other State which receives this benefaction. Every State is interested that proper information shall be given from every other State in order that the proper apportionment may be made, and that is all there is in this provision.

Mr. BUTLER. I thought the census of 1880 was the basis upon which this bill was framed! What is the necessity for any additional information if that is the basis?

Mr. ALLISON. Is it possible that the Senator from South Carolina proposes that we shall expend \$77,000,000 for the purposes of education and take no account of the money? Some officer somewhere must be responsible for this expenditure—I do not mean with reference to how the schools shall be carried on, but as to whether it is expended at

all or not. Suppose the State of South Carolina should get a half-million of this money and no part of it should be used for common schools—

Mr. DAWES. Some gentleman.

Mr. ALLISON. Some gentleman! They are all gentlemen in South Carolina.

Mr. DAWES. Some individual.

Mr. ALLISON. Suppose some individual in South Carolina should get four or five hundred thousand dollars of this money, is it not worth while for somebody to know that that money has been expended for common schools, and who will know better than the chief magistrate of that great sovereign State? Certainly nobody.

Mr. BUTLER. Then what is the objection to the bill as originally drafted?

Mr. ALLISON. I am not discussing that bill; but I find an amendment which meets my approval.

Mr. BUTLER. The third section of the bill as reported by the committee provides:

That the Secretary of the Interior, at the close of each fiscal year, shall ascertain the total amount of the school fund to which the States and Territories and the District of Columbia are entitled under the provision of this act, and shall certify the same to the Secretary of the Treasury. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion the said total sum so certified among the several States and Territories and the District of Columbia upon the basis of population and illiteracy specified in the second section of this act.

That is the bill as it was framed by the Committee on Education and Labor. It seems, however, the Republican caucus met and agreed on the amendment we are now discussing as a substitute for the solemn action of the Committee on Education and Labor. That seems to be about the only reason I can at present understand for pressing this particular amendment so earnestly, when the bill itself provided ample protection to the Government and everybody else.

Mr. HARRISON. The bill proposes to make the first distribution without any inquiry into what the several States had done for education. The amendment which I proposed early in this debate was that they should have no more than they had spent the preceding year. Therefore the necessity for some preliminary report, just such as the bill requires, as a preliminary to the distribution of the second year.

Mr. BUTLER. I called attention to the bill as originally drafted by the committee, but it seems the Republican caucus has modified that and brought in an amendment here which it insists upon substituting.

Mr. HOAR. The original draught had a provision in as to all the years but the first.

Mr. BUTLER. What is the use of the amendment then? Simply because the caucus demand it?

Mr. HOAR. No, no. It was desirable that we should understand how the money was going. The bill had a provision that the Secretary of the Interior should receive from the governor a report as to every year but the first, and if there were no expenditure there was no provision. This amendment simply provides that the report shall show.

Mr. BUTLER. I thought the bill was brought here on the basis of the census of 1880, that all the information necessary would be procured from that, and that information having been procured by the Secretary of the Interior, this money would be turned over to the superintendents of education in the respective States to be expended by them under State laws; but it seems there are to be some restrictions thrown around it for the purpose of getting possession of the schools of the country. That is about where I suppose it will end.

Mr. BLAIR. There is nothing under this, not a thing, excepting that it was thought there might be some difficulty in the way of calling Legislatures together and making arrangements with reference to the acceptance of this first payment; and so it was provided that upon the performance of an easier act by the governor of the State, the filing of this first report preceding any payment, this money might be made over to the State without any embarrassment or trouble in getting Legislatures together anywhere. That is all there is of this that is of any consequence, and it is a matter of ease and convenience to the States if there are any so situated that legislative action would be necessary. At least that objection was raised and discussed, and I am very willing to see the amendment adopted for that reason.

So far as this relation between the State officers and the United States officers is concerned, there is not the remotest difference between the amendment and the original bill. The explanation of the Senator from Massachusetts that there was compulsion in the original bill, that it absolutely required a report, is an incorrect explanation; that is, it is no explanation at all. Both the amendment and the bill require after the first year reports of the manner of the expenditure and the condition of the schools as a condition precedent to the second and subsequent payments, and if they do not choose to make the reports they do not get the amounts. They have their election, of course. There is no difference. There is nothing to be mystified about, and I do not think that anybody who is intelligently anxious for the success of the bill will sympathize at all with the difficulties that the Senator from South Carolina has in his mind.

Mr. RANSOM. I will presume to say that I do not think it possible that any member of the Senate can be more anxious for the passage

of this bill than I am. In addition to that I see now on the desk of my colleague the laws of the last session of the Legislature of North Carolina instructing the Senators of that State to vote for a bill of this character. But I trust my friend from New Hampshire will bear with me when I tell him that I at least think this amendment is not only dangerous to the purposes for which the bill is proposed to be enacted—I will not call it a dangerous precedent, but I will call it a dangerous principle in this Government.

I have read this amendment in the last few minutes with all the attention I possibly could, and it leaves distinctly, without question, to the Secretary of the Interior the distribution of this fund to this extent: that is, he is to determine whether the certificates made by the governors of the States conform to this act.

Mr. BLAIR. The Senator will permit me—

Mr. RANSOM. With great pleasure.

Mr. BLAIR. In the first instance, as the bill provides, the whole matter is subject to revision by Congress if he decides incorrectly. Of course some executive officer must decide in the first instance and execute the law.

Mr. RANSOM. I comprehend that difficulty, and that difficulty, as it has been called, has led, as every Senator here well knows in his own experience in this body—take up any year and he will find it so—I will not say to abuse, because I am not in the habit of using that word, but to confusion and trouble in respect to the action of Cabinet officers upon questions of discretion of this character. I do not think that any small matter of convenience, that any consideration of a little time, should prevail upon the Senate to give to an officer of this Government like a Cabinet officer (and I speak of them all with great official respect, and many of them with personal respect) this great discretion of determining whether this money shall be issued under the law or not.

Now, the paramount power in this country is in the supreme judicial tribunal of the land. That tribunal settles finally, as the opinion of the country now is, all constitutional questions, whether they come from Congress or from the executive government. It is proposed to make a Cabinet officer in this instance the judge of whether this money shall be distributed or not. Do we not at once perceive the difficulty, the peril of having a State hanging here upon the decision of a Cabinet officer as to whether this school fund shall be issued the next year or not? The Cabinet officer says, "This money must not be distributed; the governor of the State of North Carolina has not complied, as I think"—a Cabinet officer thinks—"with this law. I hold up this money until the governor of North Carolina comes here and makes his certificate conform to the opinion of the Secretary of the Interior."

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired.

Mr. HAWLEY. Mr. President, I have listened with a great deal of interest and anxiety in common with all my friends to the discussion of this measure. I should have been perfectly willing to be converted to the belief that I ought to vote for it, but the drift of the discussion has settled me in the conviction that I am bound to vote against it. In the mean time I am willing to endeavor to improve the bill as far as possible. I have been waiting to see gentlemen in favor of this measure get into precisely the difficulties under which the Senator from North Carolina now labors. You can not command a governor or a State government or any State officer to give you the statistics necessary to base this bill upon. You have no right to issue such an order to them; they are in no respect subject to your jurisdiction. You can have all the census you wish of the State; the Constitution tells you to get it; you appoint your own officers and send them there to get it. Now, here is the trouble: the framers of the bill have tried to make a trade, they have tried to make a bargain, and impose a condition precedent upon the governor of a State, "If you will give us all these figures honestly every year we will give you the money, but if the Secretary of the Interior thinks you have not done it we will not give the money." Why did you not order the State government to give you all these figures? You could not do it. Why did you not order the governor of the State to give you these reports? You could not do it.

Mr. LOGAN. Allow me right there to make a suggestion?

Mr. HAWLEY. Certainly.

Mr. LOGAN. I do not wish to enter into the debate about this matter, but to call the Senator's attention to this point: This law is not a command on the governor to do an act, it only says to him, we want you to act as the medium of conveying the information to us that we may distribute the money for the benefit of the children of your State. That is all. He is merely to be the medium to convey the information, and if the State refuses to convey the information then there is no obligation imposed on the Government of the United States to distribute the money. That is all there is in it. There is no command.

Mr. HAWLEY. That is rather arguing the case in my time. The Senator is welcome to do it, but I would rather he should do it in the time of another.

Mr. LOGAN. I did not want to take the Senator's time.

Mr. HAWLEY. The Senator says very much what I have been saying myself. Knowing that you can not command the governor, you ought not to offer him a price for the statistics of his State. Without



intending to do it, I think in a subsequent section of the bill its friends have fallen into error; they say in section 13:

That the governor of each State and Territory receiving the benefit of this act shall, on or before the 30th day of June of each year, file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursement made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer.

You begin by acknowledging a lack of control over the common-school question by not imposing a command or duty on any State officer. If you have a right to command the State officers to give these statistics, it implies a right to go further. I do not see why you should not then go into the whole regulation of schools. If you can not order the State authorities to give you these figures, then go on and get them through the constitutional method provided by annual censuses of the school population, &c., and when you have begun that you have got well started toward establishing a common-school system in each State by Federal authority, and then gentlemen may prophesy for themselves, but I prophesy that you will have come to the end of a healthy system of popular education in the country. Let the people who have carried on this work for ninety-five years carry it on a while longer. They are making magnificent progress in popular education.

Mr. GARLAND. Mr. President—

Mr. RIDDLEBERGER. I wish to ask the Senator from Connecticut a question.

Mr. HAWLEY. I have yielded the floor in general.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Arkansas.

Mr. GARLAND. Mr. President, the executive department of this Government cannot know any officer of the State legally, except the governor, and if Senators will take the pains to run through the many statutes they will find that it is a constant proceeding to call on the governor. The Secretary of the Interior certifies a list of swamp lands under the act of 1850 to the governor, and the governor certifies back that it is all right, and he demands a patent for the lands so certified, and he gets it. The Secretary of War certifies a list of muster-rolls under the act of 1873 to the governor, and the governor examines and certifies that there are so many companies and they are entitled to a distribution of arms under the act.

I could cite many cases of that sort. It is nothing new. You can not say "superintendent of education," because some States have no superintendent. We have in Arkansas, and he has to report annually under the law to the governor. Some States have a commissioner of education; some States have a board of education. So you would have to put in a long phrase, "the State authorities under the school laws of the State," or words to that effect; but you can not skip over the governor, because he is really the only State official this Government can know.

I corresponded a good deal with the Secretary of War for arms for Arkansas, which he did not give me, when I was governor. I corresponded frequently with the Secretary of the Interior about swamp lands, some of which he gave me and some of which he did not. I did not feel insulted, nor did my people. You can not deal with anybody else but the governor of the State, for you do not know legally any other person there, and the statutes are full of such instances.

Mr. BUTLER. I should like to ask the Senator from Arkansas if as governor of that State he recognized the right of the General Government to issue a mandate to him?

Mr. GARLAND. There is no mandate, as I understand it, here.

Mr. BUTLER. No; but I should like to ask the Senator to answer my question, if he would have recognized the right of anybody in the Federal Government to issue a mandate to him as governor of the State of Arkansas?

Mr. GARLAND. I certainly would not.

Mr. BUTLER. Then I want to call the Senator's attention to a line of this bill on the eighth page, section 13:

That the governor of each State and Territory receiving the benefit of this act shall, on or before the 30th day of June of each year, file with the Secretary of the Interior a statement, certified by him.

Mr. HARRISON. Will the Senator allow me now, that we may not run ahead, to say that I have an amendment to that very clause he is criticising which will conform it exactly to the provision we are now discussing when we reach it?

Mr. CALL. Mr. President, I think there is no kind of objection to the amendment proposed by the Senator from Indiana. I hope there will be no objection on the part of the friends of the bill to it. It is certainly the customary proceeding and it is the duty of the chief executive officer of each State to certify whatever may be proper to be certified as evidence to anybody else. I hope it will be agreed to.

Mr. RIDDLEBERGER. Mr. President, I am getting a little interested in this bill at this stage, because up to this time I have thought that all of us who were in favor of general education were going to vote for it. It is in pretty good condition now to pass except that there may be some sort of difficulty, as it seems, in the mind of the Senator from South Carolina that you can not issue a mandate against the governor of a State or you can not compel a governor to do this, that, or the other thing. I should like to say to the Senator from South Carolina that a writ of mandate does not lie against the governor of a State and

does not lie against any other officer of a State. There has been no question more certainly settled than that.

Now what is the difference? Only this, that in dealing with the governor we are dealing with a constitutional officer whose tenure we know, who has some responsibility, who has a constituency behind him. The other officers named by the Senator from Georgia do not exist in some of the States, and in those in which they do exist they depend entirely on the action of the Legislature itself. The superintendent of public instruction and the whole board of education in Virginia can be removed at any session of the Legislature, and within the last sixty days I have seen the whole system of public education in that State overturned.

Why not deal with the constitutional officer? There can be but one reason, and that is that you hold that the governor of a State should not report to a Cabinet officer of the United States. If that be your reason, then let the governor of the State report to somebody whom you may regard as his superior—not have the report made by a commissioner of education, or a superintendent of public instruction, or any man whose tenure of office depends upon the vote of a majority of the General Assembly of a State, but some officer who has constitutionally some tenure that we know.

I am as jealous of what I understand to be State rights as any gentleman on this floor. I must recognize the fact that some of those things that I called State rights once have been licked out of me, and I do think that we can make an appropriation here for the purpose of public education, and it is not beneath the dignity of any governor of any State to make a report to any officer of this Government that gives the money for the purpose indicated in the bill.

Mr. HARRISON. Mr. President, I only want to say for the benefit of the Senator from North Carolina [Mr. RANSOM] that the objection which he makes would be absolutely fatal to any condition in this bill. It can not be avoided unless we make this distribution absolute and not to depend upon anything in the school systems of the several States, because if we retain in this bill the condition that the distribution shall not be made to a State which has not provided by law a general system of public schools without distinction of race or color—if that is in the bill, then the disbursing officer of the General Government, whoever he may be, the Secretary of the Treasury, must when he draws his warrant or as a preliminary to the drawing of it determine the question whether the particular State demanding the money is within the condition. Here we simply confide that necessary essential authority in determining that question, which would rest with the Secretary of the Treasury if it were not placed elsewhere, with the Secretary of the Interior, and require him to certify to the Secretary of the Treasury that the conditions do exist which entitle a particular State to its allotment of this money, and the objection the Senator makes can not be obviated without striking every condition out of this bill and providing for an absolute distribution to every State, or by inserting the names of the States which should be entitled to the distribution.

I have endeavored in framing this amendment to meet the views of those on the other side of this Chamber who have favored this bill, and I have proposed here no condition that in my judgment was not essential. I have introduced no new condition, but I simply require another report of precisely the same character as the condition of the first allotment which the bill that has met the approval of those who have spoken on the subject required as the condition of the second allotment.

Mr. HOAR. I wish simply to add that the amendment on this particular point under discussion will probably not strengthen the objection which has been made; that is, while the bill as originally agreed on was a mandate upon the State officer, the present bill does not undertake to exercise authority to issue a mandate to him, but merely says upon his doing so and so the State shall receive so and so. The Senator from Arkansas says it is conformable to other laws.

Mr. GROOME. Before the question is taken on this amendment I should like to ask a question of the Senator from Indiana. In the concluding portion of his amendment he uses this language:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color, either in the raising or distributing of school revenues or in the school facilities afforded.

I want to call his attention particularly to the words "distributing of school revenues." I will state to him that under the law of Maryland we levy a State tax of 10 cents upon the \$100 upon all the assessable property in the State for school purposes, and it is estimated that that levy will give us somewhere from four to five hundred thousand dollars, and under an express provision of our appropriation bill \$100,000 of the amount raised must go for the support of colored schools.

In addition to that, there is in the school law of our State an express provision that all local taxes raised for school purposes from the property of colored persons must be applied exclusively to the education of colored persons. Now, the question I want to ask the Senator is this: Whether Maryland, in her very effort to protect and educate the colored persons by providing, among other sources of revenue for their schools, that the entire sum so raised from local taxation on their property shall go to the schools for the education of that race, has not, if this amendment pre-

vails, cut herself off from any opportunity to receive any portion of the money to be appropriated by this bill?

Mr. HARRISON. I do not know that I quite understand the Senator from Maryland. Do I understand him that the gross school revenue raised in his State by the assessment or levy which he has referred to is \$400,000?

Mr. GROOME. No, sir; it is estimated in the appropriation bill that the revenue raised by State taxation for school purposes will approximate \$500,000.

Mr. HARRISON. Suppose it be \$500,000. Then, do I understand the Senator that the first \$100,000 is to be applied to the education of the colored children?

Mr. GROOME. The appropriation bill says that \$500,000, or so much thereof as may be raised by this levy of 10 cents on the \$100, shall be applied to school purposes, and then says that \$100,000 of the sum raised shall be applied to the colored schools. So that if, as a matter of fact, but \$100,000 of the taxes for school purposes were actually paid into the Treasury in any year, that whole amount would have to go to the support of the colored schools.

Mr. HARRISON. Then I understand \$400,000 of the total amount raised goes to the white schools and \$100,000 to colored schools; and the Senator asks me whether that would bring his State within the provisions of this bill. I should say not. I should say that it would be necessary for the State of Maryland, in order to entitle herself to the benefits of this bill, to make an equal distribution per capita between the white and colored children of the State.

Mr. GROOME. The Senator has misconceived my question. My question was as to whether the provision by which the amount of local school taxes raised from the property of colored persons should go exclusively to the support of schools for the education of colored persons would not deprive the State of Maryland of all benefit under this bill?

Mr. HARRISON. I think it would; but before we got to that, the fact that the distribution is not made equally, but that only \$100,000 of the \$500,000 raised is given to colored schools, without regard to the second provision, namely that the amount raised by taxation upon colored people shall be expended on their own schools—either one of these, in my judgment, would exclude the State of Maryland from the benefits of this act.

Mr. GROOME. I will say to the Senator from Indiana, by way of answer as to that part of his remarks as to the disproportion of the State appropriations for the schools of the two races, that it is approximately in the proportion that the two races bear to each other in our State. About seven-ninths of the population of the State are white persons.

Mr. HARRISON. Then all that would be necessary would be to put it upon that basis by legislation.

The PRESIDENT *pro tempore*. The time of the Senator from Maryland has expired, under the understanding.

Mr. HARRISON. I hope the Senate will bear with me while I say that this provision was intended to prevent discrimination against the colored people.

The PRESIDENT *pro tempore*. The Senator from Indiana has been heard upon this amendment.

Mr. HARRISON. I asked consent—

The PRESIDENT *pro tempore*. Is there objection to the Senator from Indiana proceeding?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. Right on this point I wish to put in a fact. The number of whites 10 years of age and over in Maryland is 544,086.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has been once heard on this amendment, the Chair finds on looking at his notes.

Mr. MORGAN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I do not, until I add that the number of blacks is 151,000.

Mr. MORGAN. Does the Senator from New Hampshire mean to break the rule?

The PRESIDENT *pro tempore*. There is no rule. It is an understanding, which the Chair can not enforce.

Mr. McMILLAN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. MORGAN. I do not.

The PRESIDENT *pro tempore*. The Senator does not yield.

Mr. MORGAN. In addition to what the Senator from Maryland has said in respect to the law of his State on the subject of discrimination in the levy of taxes and the distribution of school money, I wish to read from the statutes of Alabama.

Each township or other school district shall be entitled to receive for the support of public schools therein all the poll-tax raised in and for such district, and the county superintendent of education of each county shall see that the amount of poll-tax paid by white persons shall be applied exclusively to the maintenance of schools for white pupils, and all paid by colored persons exclusively for schools for colored pupils; and in his annual reports the county superintendent of education must show how much poll-tax he has received since the last report for each race in each district of his county.

In the county in which I live, where we have 40,000 colored and 10,000 white people, the poll-tax, if paid by the negroes, would be four times as great as that paid by the white people, and they get the exclusive benefit of it under this statute in their local or township schools. Now, because we have provided in our statutes that the negroes paying the poll-tax shall have the benefit of it for the education of their own children the method proposed by the Senator from Indiana would exclude the State of Alabama from any participation in any part of this fund; we have to go and change that statute before we can participate in this fund at all, and in changing it we should have to tax, if we chose to do so, the negroes in the county of Dallas, in Alabama, for the purpose of educating the white people there. That would be the result of it, and this Secretary of the Interior, or whoever it may be who has the right to pass upon the question whether we have made the preliminary compliance so as to entitle ourselves to a standing before the Treasury for this money, would exclude us from the donation of something like a million dollars the first year, before we should have a chance under our biennial system of legislation to even assemble our Legislature to get the benefit of this law.

The act as it is proposed to be amended and the act as it was considered in committee are both very crude. I will presently, upon another amendment, draw the attention of the Senate to a constitutional objection in the State of Alabama which prohibits us from receiving this money in the form in which it is offered to us now. We can only receive the principal and put it at interest under our constitution. We should have to change the constitution of the State of Alabama, in my opinion, before we could receive the benefits of this bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Georgia [Mr. BROWN] to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. In section 3, line 12, after the word "until," it is proposed to insert "the officer or person of the State in charge of public education shall under the direction."

Mr. BROWN. The word "shall" in the next line ought to be stricken out.

The PRESIDENT *pro tempore*. That will come in place after this amendment shall have been acted on.

The Secretary proceeded to call the roll.

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Kansas [Mr. INGALLS].

Mr. HARRISON. I thought the Senator was paired with the Senator from New Jersey [Mr. SEWELL].

Mr. JONES, of Florida. Only temporarily. I was paired with him on one vote.

Mr. HARRISON. I would say to the Senator from Florida that the Senator from New Jersey [Mr. SEWELL] would vote "nay" on this amendment.

Mr. JONES, of Florida. Very well; then I announce my pair with the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER].

The roll-call was concluded.

Mr. GARLAND. My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. My colleague, if present, would vote "nay."

Mr. MORGAN. The Senator from Arkansas [Mr. WALKER] being paired with the Senator from Oregon [Mr. SLATER], I vote "nay."

The result was announced—yeas 18, nays 32; as follows:

#### YEAS—18.

Bayard,	Groome,	Kenna,	Vanece,
Brown,	Hampton,	Morgan,	Vest,
Butler,	Harris,	Pendleton,	Williams.
Camden,	Jackson,	Ransom,	
Colquitt,	Jonas,	Saulsbury,	

#### NAYS—32.

Allison,	Dolph,	Hoar,	Morrill,
Blair,	Edmunds,	Lapham,	Pike,
Call,	Frye,	Logan,	Platt,
Cameron of Wis.,	Garland,	McMillan,	Pugh,
Coke,	George,	Manderson,	Riddleberger,
Conger,	Gibson,	Maxey,	Sawyer,
Cullom,	Harrison,	Miller of Cal.,	Voorhees,
Dawes,	Hawley,	Miller of N. Y.,	Wilson.

#### ABSENT—26.

Aldrich,	Farley,	Lamar,	Sewell,
Anthony,	Gorman,	McPherson,	Sherman,
Beck,	Hale,	Mahone,	Slater,
Bowen,	Hill,	Mitchell,	Van Wyck,
Cameron of Pa.,	Ingalls,	Palmer,	Walker.
Cockrell,	Jones of Florida,	Plumb,	
Fair,	Jones of Nevada,	Sabin,	

So the amendment to the amendment was rejected.

Mr. GROOME. I move to amend the amendment of the Senator from Indiana by striking out all after the word "color," in line 29 of section



3, down to the word "provided," in line 31, and inserting in lieu thereof the words "in the raising of school revenues."

The Senator from Indiana has already told me that these words "or distributing of school revenue" would cut out the State of Maryland under her law as it now stands from any share in this appropriation. I want also to call attention to the last words of the clause, in which, unless the system provides for equality of school facilities between the children of different races, no State can have any share of this appropriation. It is a matter of fact in Maryland, and I presume in other border Southern States, that there is a sparse colored population in the northern tier of counties. The result is in Maryland that the school districts for white and colored children are not identical in their boundaries. Colored children, from the very necessity of the case, sometimes have to go considerably farther to get to a district school than the white children. The law does not intend to make any invidious distinction against them, but it has to make the school districts territorially larger, in order that a sufficient number of children may be brought together to form the school.

Such being the case, any provision in this bill that requires that there shall be precise equality of school facilities in Maryland, and other States similarly situated, for white and colored children, as I understand it, deprives those States of all share in the distribution of this fund. Hence it is that I hope this amendment which I have offered will prevail.

Mr. BLAIR. Mr. President—

The PRESIDENT *pro tempore*. The Chair will first have the amendment reported before the Senator from New Hampshire proceeds.

The CHIEF CLERK. The amendment to the amendment is in line 29, of section 3, after the word "color," to strike out "either in the raising or distribution of school revenue or in the school facilities afforded," and to insert in lieu thereof "in the raising of school revenue;" so as to read:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of race or color in the raising of school revenue.

Mr. HOAR. The effect of that amendment would be that while it compelled the colored people to be equal to the whites in the raising of the revenue, it would not insure their having an equal share of it after it was raised.

Mr. BLAIR. Mr. President, I think that if one will commence the sentence and read the whole together he will see that the leading idea is simply that there shall be a system of free schools established:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color.

There is no State that has not a system of free common schools without distinction of color. Then come the additional words, "either in the raising or distribution of school revenue or in the school facilities afforded." There is no State that has not a free school without distinction of color, which comes clearly and emphatically within this clause, and no State would be embarrassed in receiving the money by reason of these additional words. The objection of a difficulty which is suggested by the Senator from Maryland does not arise because these sparsely settled regions are inhabited by white children or black children. The distinction is not one of color. They might be all white children or all black children, or they might be half white and half black in these sparsely settled regions. It is not distinctly based on color at all. It is simply the circumstance that the regions to which this applies happen to be sparsely inhabited, and of course it is more difficult to provide schools for children scattered over perhaps half a dozen square miles than the same number of children scattered over a single square mile. That circumstance, however, does not depend upon the color of the children, and this phraseology has entire reference first to the establishment of a system of free schools, and second that whatever distinction or inequality there may be growing out of the absolute necessities of the case shall not be based upon color. This does not apply at all to what the Senator from Maryland says. I see no difficulty with the clause.

Mr. SAULSBURY. I think the more this bill is considered the more objectionable it becomes. The bill proposes to raise money by taxation out of the whole people of all the States for the purposes of common-school education. Then the details of the bill provide that unless any State in the Union shall conform to the requirements and conditions of this bill it shall not be entitled to any of the money appropriated by it. It may have made ample provision for the education of every child within the State, white and colored, but unless it conforms to the conditions required in this bill not a dollar of this money can be received under the provisions of the bill. Each State, therefore, is required to come and bow the knee to Baal, to obey the behests of Congress as provided for in this bill, or it shall not have one dollar of this money.

Then, again, the executive of the State is required to make report to a head of a Department here, actually seeking to do indirectly what you admit you can not do directly. You know you can not devolve any duty on a State officer, and yet you seek to provoke coercion for the performance of a duty you can not directly impose on him; otherwise

the people of his State shall not be the recipients of any portion of this fund.

I do not know what will be the effect of this bill, but I will venture one assertion: There will be much dissatisfaction felt after it is passed in the very States now anxious through their Senators to obtain the money. For my part I am careless about it one way or the other. Being opposed to the bill, as I shall continue to oppose it by my vote, I do not care where the money goes; the small State which I represent will do her duty. If she does not, it is none of the business of Congress.

Mr. HARRISON. I hope the Senator from Maryland will himself see after the suggestion of the Senator from Massachusetts that his amendment as he proposed it would certainly not be right. It provides for an equality of taxation, but not for an equality in the enjoyment of the funds raised, as the Senator from Massachusetts has said. I do not think that the equality of school privileges which is provided for here would mean that every colored child should be in exactly the same geographical relation to a school-house with every white child. I do not think it would mean that; but it would certainly mean that there should be reasonable facility in the way of school-houses, reasonably accessible to the children who were assigned to a particular school district. It certainly would, it seems to me, exclude a State that made its colored school districts five miles square and put one colored school in the center of it, whereas it made its white school districts only one mile square. I think that sort of thing would be in violation of the law, and it may be that in order to bring the school systems of the several States upon that basis of equality between the races which is prescribed by this bill some State legislation may be necessary in some States. That is very likely; but I had supposed until we came to the discussion of this measure here, from the debate that had preceded, that there was only one State in the South, and that Kentucky, which had any unequal laws on this subject; but as we come to discuss this measure it seems to be developed that there are inequalities in other States. Now, if there are such and the State desires to get the benefit of this fund—and I am willing to put this question upon the broad, equal plane which is prescribed by this bill—it can very readily be done.

Mr. GROOME. Can I take the floor properly, Mr. President?

Mr. MORGAN. I would like to know what is meant by this? Does it mean pupils of equal grade and character, books of the same sort, school-houses equally convenient to the people whether black or white? "School facilities" has not heretofore been a term found in the statutes of the United States, and we can therefore resort to no judicial interpretation of the meaning. We have to guess at that.

Mr. BUTLER. I suggest to my friend from Alabama that under this provision the Secretary of the Interior is the exclusive judge.

Mr. MORGAN. I said we had to guess at it. I believe he does the guessing for us in this case; but this bill with the features we are putting into it now and as it came from this committee will be the subject of debate in respect of thirty-eight States and Territories of this Union for the next twenty-five years if we pass it.

Mr. LOGAN. Get up a new issue, then.

Mr. MORGAN. Of course some gentlemen who look to the doom of fate would like to have a new issue, but I am not going to look out for any, as I am not a candidate for the Presidency. The old issue will do me very well. But here we are providing for school facilities. The Senator from Maryland has informed us of a system in his State which is very admirable. Now here is a district which contains, I will say, fifty white pupils. It takes an area five miles from the center to include fifty white pupils; it would take an area of ten miles to include fifty negro pupils. It is a town or whatever you please to call it; in my State it would be a township. On that Maryland organizes two school districts for the convenience of the pupils in order to get the school-house as nearly as possible to the center. You say we may have separate schools for negroes and white people without violating this law. Therefore we must have two school-houses. They ought, each of them, to be as nearly as possible at the center of that township and equally accessible to all parts as provided in this act for two school districts, they covering the same identical area, in order that the children may have equal advantages of school facilities whether black or white.

Under this bill as proposed to be amended there would be an inequality of distribution between the whites and blacks, because the negro would occupy a district ten miles in circumference, while the whites would occupy a district five miles in circumference. Take the county of Dallas, in Alabama, where there are not more than ten white children to every one hundred black children. In that rich county the school districts would have just the inverse effect precisely of the school districts in Maryland in the part the Senator refers to. Here are one hundred negro pupils and ten white pupils. If you want to get a school of one hundred white pupils you would have to go nine times as far with your school district as you would to get in the negroes. That is "school facilities," and unless we can arrange in some way or other to put a school-house within the proper reach of the negroes in the communities or the white people in the communities, then the Secretary of the Interior is to decide that we are not entitled to the money. Here a sovereign State, as it yet happens to be called sometimes, is hung up upon the will and pleasure of the Secretary of the Interior to determine

whether the school districts in Alabama furnish equal facilities throughout the length and breadth of that State for blacks and for whites. That is what the Congress of the United States, or at least the Senate, is engaged in trying to do.

Mr. BUTLER. And I will state further, in corroboration of what the Senator from Alabama says, that the Secretary of the Interior under this amendment is the exclusive judge of the school facilities furnished in the respective States. He is not only to be the judge of whether the facilities are equal as to the distribution of facilities, but he is to have the right to send down and inspect the school-houses and determine whether they are frame or log, 20 feet square or 100 feet by 150 feet, whether the blackboards are the same in each school-house, whether the school-books are the same, and whether the facilities are the same throughout. If in his judgment he should determine that they are not equal, he has the right under this amendment to prevent a State receiving the money. There can be no other construction put upon this amendment. It says that—

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age without distinction of color either in the raising or distributing of school revenue or in the school facilities afforded: *Provided*, That separate schools for white and colored children shall not be considered a violation of this condition.

Now what follows?

The Secretary of the Interior shall thereupon—

When?

certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act, and also the amount due to each.

Throwing the entire judgment of the school facilities, the raising and distribution of the school revenues, upon the Secretary of the Interior, and any State or Territory may not get one dollar of this money if the Secretary of the Interior should determine that the governor had not complied with every single requisition of this amendment although the State had complied with all the requisitions I have stated. I submit that that is putting the common-school system of this country absolutely at the mercy of a Cabinet officer of this Government, and there is no other construction to be put upon it.

Mr. BLAIR. There is an appeal to Congress.

Mr. BUTLER. The Senator from New Hampshire says there can be an appeal to Congress. Suppose Congress should not be in session and would not be perhaps for months after the Secretary of the Interior had declined to certify that all those requisitions had been complied with?

Mr. LOGAN. Will the Senator allow me to ask him one question?

Mr. BUTLER. Certainly.

Mr. LOGAN. Has he in his mind now an officer that he would desire to have make this statement?

Mr. BUTLER. No. I am very frank to say that I do not think any Federal officer ought to determine it.

Mr. LOGAN. Who should determine it?

Mr. BUTLER. My own opinion is, if we admit the constitutional right of Congress to make an appropriation and to make it according to illiteracy by the census of 1890, which I supposed until recently was the basis on which it was to be determined, the money should be paid over to the State to be disbursed by the State officers in aid of common schools.

Mr. LOGAN. Would not some officer then have to determine as to the mode and manner of distribution, as to school facilities, &c.?

Mr. BUTLER. Some Federal officer?

Mr. LOGAN. Some officer, State or Federal.

Mr. BUTLER. Certainly.

Mr. LOGAN. The objection you have to this provision is that it is a Federal officer and not because it is a particular individual.

Mr. BUTLER. No; it is not that.

Mr. LOGAN. Then what is the objection, because some person will have to determine that question? If the objection does not go to the point that it is a Federal officer, what is the objection?

Mr. BUTLER. I will indicate by reading to the Senator the conditions required by the act of 1862 making the distribution of agricultural land-scrip, which was the sole condition that if the money should be lost it should be replaced by the State, and no part of it should be used for building school-houses, &c.

The PRESIDENT *pro tempore*. The time of the Senator from South Carolina according to the understanding has expired.

Mr. RANSOM. I do not know that I can speak for the Senator from South Carolina in reply to my friend from Illinois, but I can speak for myself.

As I understand this bill, before Senators would vote for it on the statements made on the floor of the Senate in the debate, and in view of the contemporaneous history we have in reference to the school question in the Southern States, I apprehend there can be but little doubt, I do not believe there can be any doubt that without any inducements of the benefits of this or any other bill, of their own accord, without using these expressions "equal facilities" and "discriminations," the Southern States have been eminently and extraordinarily just to the colored people in the matter of education. Without any bounty from the Gen-

eral Government to the Southern people every Southern State, as appears by history, by all the testimony on the subject, by the light pouring in from every source, has done rightly, justly, nobly, and grandly upon this question. Now the Senate is asked to say to these States, "before you can draw this money, although you have voluntarily given the highest moral evidence of your conscience and your duty upon this matter, before you can have a dollar of this money you must send your governor here, he must make a certain formal, specified, determined certificate to the Secretary of the Interior, and then that official must determine, in the language of the amendment, "whether you are entitled to this money or not."

My idea is, and I suggest it to the Senator from Indiana with the hope that he will embody it, that upon the certificate of the governor of the State the money should be issued at once to the State.

Mr. HARRISON. Certificate of what? Will the Senator state?

Mr. RANSOM. A certificate like that first provided in the original clause of the bill, that the State has a common school system and that her funds are distributed equally, justly, and fairly.

Mr. LOGAN. Will the Senator allow me to ask who would make that certificate?

Mr. RANSOM. I do not object to the governor of the State making that certificate.

Mr. LOGAN. To whom should he make it?

Mr. RANSOM. He may make it to the Secretary of the Treasury, he may make it to the Secretary of the Interior; but I do not propose to have the certificate of the governor of a State passed upon by any officer of this Government. If it is ascertained hereafter that the certificate of the governor of the State is false, if any State in this Union—and I do not believe that there is a Senator who can lay his hand upon his heart and say that he believes such a thing will occur—if any State is recreant or false, then let Congress say she is recreant or false, and not any Secretary of the Interior, or any Secretary of the Treasury, or any Cabinet, or any executive officer say that a State has not done its duty in these premises, and that she can not have the money. Where shall we be, where will the Senator from Illinois be, where shall I be if our governor sends his certificate here and the Secretary of the Interior will not discount the bill? He says it is not right; we must come and beg for the money, or we must go back and have the certificate amended.

Mr. LOGAN. I will say to the Senator that the governor of my State would have no feeling in reference to having to make a certificate. I am only surprised that the feeling exists on one side of the Chamber. I have no doubt about the governor of the State of Illinois making his certificate and not complaining of being required to do it, either. It is not material to me whether he makes it to the Secretary of the Interior or any other Secretary; he will make it for the people of the State, and make it truthfully, and so any other governor ought to do.

Mr. RANSOM. Mr. President—

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired.

Mr. RANSOM. Then I move to change the word "and," in the amendment of the Senator from Maryland, and I can have a few minutes more.

The PRESIDENT *pro tempore*. The Senator will state his amendment.

Mr. RANSOM. I move to strike out the word "and."

The PRESIDENT *pro tempore*. The Chair is informed that there is no word "and" in the amendment.

Mr. HARRISON. Is it not an amendment in the third degree?

Mr. RANSOM. Well, the word "the" or the word "facilities." I believe I learned that art in this body from the Senator from Vermont, if I am not mistaken about it.

The PRESIDENT *pro tempore*. If the Senator from North Carolina will state where his amendment is to come in the Chair will have it reported.

Mr. RANSOM. I will move to strike out the word "facilities."

The PRESIDENT *pro tempore*. The Senator from North Carolina moves to amend as will be stated.

The CHIEF CLERK. At the end of line 30, it is proposed to strike out the word "facilities."

Mr. HOAR. I rise to a question of order.

Mr. HARRISON. I made the point of order that this was an amendment in the third degree, and at the same time I asked that there might be consent that the Senator from North Carolina should proceed.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is in order. The amendment of the Senator from Maryland is to strike out and insert, and the amendment of the Senator from North Carolina is to perfect the paragraph proposed to be stricken out.

Mr. HARRISON. Very well.

Mr. RANSOM. I ask pardon of the Senate for this little ruse of that practice which has been habitual in the Senate ever since I have been a member of the body.

I wish to say to my friend from Illinois that I am not discussing and I shall not discuss this question from a partisan or a sectional view. As I said before, I have the instructions of the Legislature of the State of North Carolina, the very Legislature that sent me here, to vote for this bill. I do not want to discuss the question what are the views of the



governor of Illinois or the governor of North Carolina as to the rights of the States, but I want to treat this as applying to all the States, and if Senators will reflect upon it they will agree with me.

I do not wish a fund which is to be paid to each State in this Union (for I believe every State is to have a portion of this fund) to depend on the discretion of any executive officer of this Government. We can trust the governors of the States when they send their certificates here and say that these school laws are in compliance with the acts of Congress. That is going very far for us. That certificate should be taken as true; it at least should be *prima facie* evidence that the State is entitled to draw the money, and then if any State should not do its duty, if any State should be found recreant, Congress can take the matter in hand.

Mr. LAPHAM. Will the honorable Senator allow me to make one inquiry?

Mr. RANSOM. Yes, sir.

Mr. LAPHAM. Can we not trust the Secretary of the Interior as well as trust the governor to act properly?

Mr. RANSOM. The question warns me how rapidly we are tending in the wrong direction. The Senator asks me if we can not trust some human being, if we can not trust some officer. I tell him no; forever no. The theory of this Government is that you shall not trust men; you shall trust law. Has not every newspaper in the country been full for the last dozen years of mistakes, of errors committed by Cabinet officers in the administration of the Government?

Mr. CAMERON, of Wisconsin. By governors also.

Mr. RANSOM. By governors, too, if you will. But here is the final supervision of Congress, and the simple question is after what has been stated on this floor to the world on this question of the action of the South, will you take the certificate of the governor of a State or do you prefer to let that governor send the certificate to the Secretary of the Interior and say you will trust no one else but your Secretary?

I ask the Senator from New York why he will not trust the governor of one of the sister States of this Union? What is there in any governor now, north or south, that you would not trust his statement? Do you not take his statement when you take your seat on this floor? How do you have a right to participate in the proceedings of this body unless under the act of 1866 you have the certificate of the governor of your State? And yet you can not take his certificate in a question of money.

Mr. LAPHAM. All that is done under an act of Congress, but I answer the honorable Senator by saying suppose the governor by inadvertence should omit to state one of the facts required by this Government, would you have the Secretary of the Interior pay the money? Suppose he should wholly omit to report one of the requisitions of this Government, would you have the Secretary, notwithstanding that, pay the money?

Mr. RANSOM. I did not hear the Senator from New York.

Mr. LAPHAM. I say, suppose the governor's report should wholly omit certifying on one of the requisitions of this Government by inadvertence, would you have the Secretary pay the money?

Mr. RANSOM. Mr. President, that comes right to the very marrow of the issue. I would not have the Secretary of the Interior, an officer of this Government by appointment of the President, refuse to a State—

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired.

Mr. HOAR. Mr. President, it seems to me the Senator from North Carolina has made his impassioned argument under an entire misapprehension of what the proposition is.

Mr. RANSOM. I hope I have.

Mr. HOAR. There is not anything in the pending amendment which implies distrust of the governor of a State. We propose, and the Senator agrees, I understand, every friend of this bill without exception on this floor agrees, that this money ought to be distributed to the States and distributed by the States upon a system which will secure equal school privileges to all children without distinction of race or color. There is no exception. Now, then, we have got to do one of two things. We have got to wait till Congress can take up and examine for itself the existing school system in every State, in which case this bill could not begin operation for a year or two, or we have got to trust somebody to find out what States are ready to undertake it on that principle now, and let it begin at once as quick as we can get our appropriation through this summer.

This bill says that the governor of the State shall state what the school system is. The governor is not to say whether they comply with this act of Congress or not; the governor is not to say whether these conditions exist in his State or not. They may or may not. He tells us what the conditions are, and there is not the slightest likelihood that anybody will question the integrity of these officials in doing it. Then the Secretary of the Interior, instead of waiting a year or two for Congress, takes those States where he finds that the conditions of this act exist and makes computation and apportionment, and reports to the Secretary of the Treasury, who pays the money. Somebody has got to make that apportionment. If the governor of any State does it, you have to submit to him all the reports of the governors of all other

States to see what his State's proportion is. Therefore you have got to lodge in somebody the power.

The bill says the governor shall tell us what the fact is. The Secretary of the Interior on receiving those reports shall take the States which seem to come within this provision and shall give them the benefit. If he says the Maryland provision which has been described by the Senator from Maryland prevents that State from complying with the act, he states it truly just as the Senator stated it truly, the Secretary of the Interior says, "That is not one of the States to which I am entitled to pay the money over." Maryland will be in Congress the 1st of December next to say, "The Secretary has erred; we came within the provisions of the law when the Secretary thought we did not." That is all there is in it. How there is any indignity to the governor of any State, or how we can carry out the scheme of this bill without waiting two years before it starts in its operation unless some Federal officer is to make this apportionment, I can not see. It seems to me that all this impassioned argument is based on a misapprehension of what my friend from Indiana proposes.

Mr. CONGER. Mr. President—

Mr. VOORHEES. Let the amendment be reported once more.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield for the reporting of the amendment? The amendment to the amendment is to strike out the word "facilities."

Mr. RANSOM. I withdraw that.

Mr. VOORHEES. I want to hear the amendment as offered by my colleague read.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield for that?

Mr. CONGER. If it does not come out of my time. If it does, I do not yield.

The PRESIDENT *pro tempore*. It would come out of the Senator's time.

Mr. VOORHEES. I withdraw the request, of course.

Mr. CONGER. Mr. President, I have not taken any part in this debate. There are certain provisions in this bill that are proposed and that are being considered by the Senate which I regard as essential to have in the bill to secure my support to its passage, if I can vote for it at all, and among them is that Congress may follow the disposition which is to be made of the money that it appropriates everywhere and for every purpose reasonably and fairly. That should be in this bill.

The objection to giving any discretion to a Cabinet officer seems to me the most surprising proposition, and especially from the Senator from North Carolina, of any objection that has been made here at all. Why, sir, for years and years appropriations to the extent of millions, and I think as great as \$127,000,000, have been made where the expenditure of the money has been (although the specific sums have been mentioned for particular objects of expenditure) left to be expended or not at the discretion of the Secretary of War. My friend, with eager outstretched hands, has sought not to defeat the passage of that bill, not to refuse the appropriation of that money for his State, with the provision existing in the river and harbor bill continuously, never questioned, never doubted, leaving the exercise of that discretion to the Secretary of War. That has been the action of Congress year after year as to the expenditure of money appropriated in the river and harbor bill, and it has been left there after Congress itself had certified the exact amount to be appropriated upon each and all the improvements named in the bill in all the States. Who ever heard that there was any danger in leaving the expenditure of \$8,000,000 or \$10,000,000 or \$12,000,000 or \$18,000,000 a year to the discretion of the Secretary of War? The point never was raised here, but now in a measure of this kind which must have somebody to exercise some discretion—

Mr. RANSOM. May I interrupt the Senator from Michigan?

Mr. CONGER. Yes, sir.

Mr. RANSOM. It is very true that in the first clause of the river and harbor bill the expression of which my friend speaks is always used, but he knows very well—for no person is better acquainted with the river and harbor bills than he is—

Mr. CONGER. The Senator talks fast; but my time goes on faster than the Senator talks.

Mr. RANSOM. The Senator from Michigan well knows that there never has been a proposition made in a river and harbor bill to reduce that bill 50 per cent., 25 per cent., or any amount, and leave the distribution of the money to the Secretary of War, that he and I and all of us did not vote it down.

Mr. CONGER. That is no answer. The Senator does not deny that every river and harbor bill says that the money herein appropriated shall be expended under the direction of the Secretary of War.

Mr. RANSOM. I will not interrupt my friend.

Mr. CONGER. The Senator knows that the payment of money has been suspended for months by the discretion of the Secretary of War; and some of it, although appropriated for a particular object by so august a body as the Congress of the United States, has not been expended at all because the Secretary of War did not direct it to be done.

Mr. BUTLER. May I interrupt the Senator?

Mr. CONGER. I can not yield. Can the gentleman himself not take his own five minutes?

Every warrant that goes to the Treasury, every dollar of the money that is paid out of it is paid out under that same direction and that same discretion. But when a million of dollars is to go into a Southern State my friends here flaunt before us and around themselves and around their States the great boon of State rights and constitutional privileges, and refuse to receive money granted, as they all claim it should be granted, for the benefit of their States.

I am glad of this discussion, and I am glad to have the people of the United States know that men oppose the distribution of any money out of the Treasury for the education of white or colored people at the South because the law intends in creating the fund to so word the statute that there shall be a fair and equal distribution of that money to the colored people. Let the people of the United States read the discussions of the last week. I have not sought to engage in those discussions. I was desirous that this bill should be so amended and so prepared that with some kind of regard for my own conscience and my own ideas of right I could vote for it.

The PRESIDENT *pro tempore*. The time of the Senator from Michigan has expired.

Mr. MORGAN. I believe the Senator from North Carolina has withdrawn his amendment.

Mr. RANSOM. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from North Carolina now withdraws his amendment. He had not the floor to withdraw it while the Senator from Michigan had the floor. The question recurs on the amendment of the Senator from Maryland [Mr. GROOME] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. On page 4, section 3, I move an amendment to strike out—I believe, however, that would be in the third degree or how is that? I move in section 3, line 30, after the word "revenue," to strike out "or in the school facilities afforded."

The PRESIDENT *pro tempore*. The Senator from Alabama moves to perfect the paragraph proposed to be stricken out by the motion of the Senator from Maryland. That is in order.

The CHIEF CLERK. In section 3, line 30, after the word "revenue," it is proposed to strike out "or in the school facilities afforded."

Mr. MORGAN. When this bill came from the committee it had a condition subsequent annexed to it; that was to say that the money might be stopped by Congress or by the Secretary of the Treasury in the event that after its appropriation, after it had gone into the hands of the States, it was not applied by the Legislatures or by the States in conformity with the provisions of the act. The Senator from Indiana proposes now to put a condition precedent in the bill, also retaining the former condition subsequent, on which a forfeiture of the right of money would occur. He now proposes a condition precedent, that is to say, that before any money shall be paid into the State treasury at all a certain report shall be made in compliance with certain requirements contained in this amendment. That report shall be made by the governor according to this provision, and it shall be made to the Secretary of the Interior; and if the Secretary of the Interior shall determine upon that report or otherwise that the State is not in condition according to her legislative situation to avail herself of the fund applied by this act, then she shall not have the money in her charge at all; but the State must then come to the Congress of the United States in the nature of an appeal to present the subject here before she can get the money.

That interposes the authority and the decision of the Secretary of the Interior antecedent to the payment of any money into the hands of the State at all, to determine whether the State is in condition to carry this act into effect, or whether under her existing state of law there may be some discrimination in her statutes in favor of the negroes or in favor of the white people. I have pointed out discriminations here in favor of the negroes in my State and the Senator from Maryland has done the same thing in his. The Senator from North Carolina has referred to such discriminations, and all in the line of the true statement or history of the case, that the Southern people have been earnest and determined in trying to convince the people of the Northern States, with whom they have had trouble on the subject of the negro, that their intention and disposition in the handling of their funds raised by taxation was to benefit the negroes in the way of education.

Now, I say that to add another condition to this bill, a condition precedent before the money can be put into the hands of the State's treasurer at all, is to cast a suspicion over every State of the South that may undertake to receive it, and is to bring that State before the Secretary of the Interior to receive his judgment upon her whole social condition in respect to schools and school enactments. That would be an unwelcome thing, I must say, to any of the States of the South or of the North either. I would not undertake to put such conditions upon the State of New York or upon any other State of this Union, that an officer of the Federal Government should inspect her condition as to legislation, and as to the distribution of the school funds, and as to the employment of teachers, the building of school-houses, the apportioning of school districts, and the furnishing of facilities for schools before she should be allowed to have the money under this bill, particularly under a bill where if she has received the money the Secretary of the Interior or of the Treasury may afterward report to the Congress of the United States, or may even according to this bill decide against the

State in respect of her having a further right of distribution under this fund, and upon that the bill provides that the State shall have the right of appeal to Congress—a rather humiliating position I confess, but at the same time I suppose we must take it. It will not be taken of course by my vote, but I should like Senators on both sides of the Chamber to consider whether we are not loading down the States with very improper and very unnecessary conditions in respect of the execution of this bill.

Mr. GROOME. Mr. President, now that I can do so in order, I avail myself of the opportunity to answer the question of the Senator from Indiana [Mr. HARRISON] addressed to me sometime since. The Senator appealed to me to know whether I did not myself see, in view of the suggestion made by the Senator from Massachusetts [Mr. HOAR], that, if my amendment prevailed, while the colored race would bear its share of taxation for school purposes in my State, it would not get its fair share of the educational facilities afforded in that State.

I answer him without the slightest hesitation that I do not see it, but, on the contrary, see that if my amendment prevails that race must get full justice under the residue of the Senator's amendment or my State can get no money. The amendment of the Senator from Indiana would still provide that no money should be paid out to any State until that State had "provided by law for a system of free common schools for all its children of school age without distinction of race or color." That would secure to colored children an equality of educational advantages with white children, so far as the difference in numbers of the two races in any locality would render that practicable.

If my amendment be adopted, before Maryland can get any part of this money it must appear that she has provided a public-school system which gives to the colored school children opportunities for education of the same character as are given to the white children of that State. Nor was the Senator's remark kind that it appeared from what I had already said that Maryland had made invidious distinctions in this matter of education against the children of the colored race.

I have always been in favor of educating to the fullest extent of common-school education the children of the colored race. My colleague and myself in the Maryland Legislature had both the pleasure of voting for the original act in 1872 which set aside the annual sum of \$100,000 of the State school-tax to be applied, as I have already said, for the benefit of that race, and which the white race can not touch. In addition to the State tax, nearly three-quarters of a million of dollars are also annually raised by local taxation for school purposes and equitably apportioned between the races. But it so happens that the population of our State in certain localities is very unequally distributed so far as the two races are concerned. Take my own county of Cecil as an illustration. There are in the county as a whole about five whites to one colored person, and the disproportion in the upper part of the county between the two races is very much greater. In that part of the county there are probably ten whites to one colored person. Now, from the very necessity of the case the school districts have to be territorially larger in that part of the county for the colored people than for the whites, or the result would be either that the white schools would be excessively overcrowded or that the colored schools would have no such attendance as would provide employment for a teacher. Our law provides that the character of education in the common schools for both races shall be precisely the same.

But when you come to the matter of school facilities, we either have got to compel the colored children, because of sparseness of the colored population in that part of the State, to go a considerably greater average distance to reach a common school than the white children have to go, or we have got to educate the two races in mixed schools. There is no other alternative. We can not give the colored children precise equality of facilities with the white race except by putting both in the same school, and that is what the people of Maryland will never willingly do.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. GROOME. Certainly.

Mr. BLAIR. Does the school system of Maryland by law, which is the language of this amendment, provide that because the children in a sparsely settled portion of the country happen to be colored, therefore they shall have less school facilities on that account, or does it provide that the children of any color in sparsely settled districts shall have less privileges than they shall have in districts more populous?

Mr. GROOME. It does not.

Mr. BLAIR. Then this criticism upon the language of the bill does not apply, if the Senator will read it carefully.

Mr. GROOME. I have read it carefully, and I think I understand its meaning.

Mr. BLAIR. It only relates to distinctions made by law, and nothing else. The distinctions of fact are not provided for in it.

Mr. GROOME. What is the distinction—

The PRESIDENT *pro tempore*. The time of the Senator from Maryland has expired.

Mr. HARRISON. I desire, if I can, to bring this debate back to where it started. The Senators on the other side of the Chamber who gave their confidence and their argument in support of the bill did it with a provision plainly written in the face of it that the payment of the second allotment to any State should be conditioned upon a com-



pliance and a certification of that fact by the governors of the respective States, a certification, too, precisely or almost identically in the same language that is used in the section which is now under discussion. The question simply is, are we insulting or offending the Southern States when we say this shall be preliminary to the first distribution? Gentlemen did not resist a provision that this should be done as a condition preliminary to the second allotment. Then where does the offense or the insult or the injury come in if in order to get the basis of distribution the first year, in order to know how much they have expended and how they have expended it, we require as a preliminary to the first payment a report like the one that is required before the second payment?

Mr. RANSOM. May I ask the Senator a question?

Mr. HARRISON. I can hardly yield any time of my five minutes. The Senator can have his own time by moving to amend similar to the amendment he moved a few moments ago.

Mr. RANSOM. I simply wanted to ask one question.

Mr. HARRISON. We are simply insisting upon a distribution of this fund which goes out of the general Treasury between the races without any distinction. The only reason we are voting any money out of the Treasury for education is because of the illiteracy which prevails among the black people in the South and because we have accepted the statement which has been made by Senators here that their States were unable to take up and carry the burden of their education. Is it unreasonable, then, when the object of our benefaction is primarily to secure education to the colored people, that we should ask the States that receive an allotment under the bill that they shall make an equal distribution of their own revenue as well as that which they receive from the General Government between the races without any distinction?

For one I say unless this distribution can be made upon that basis, unless the black boy and girl in the South can share equally in the privileges of education, then I am opposed to the bill, because it will not reach the evil that we are endeavoring to eradicate. It may be that some of the States will need to modify some of their legislation, and if the right spirit prevails there (such a spirit as many of the Senators on the other side have manifested here and have said was expressing the sentiment of their people) they will promptly make such modifications in their State laws as will put their educational system upon this broad and equal plane between the races, and then all the difficulties that they have observed in the bill will vanish at once. We have simply insisted here that there should be equality and fairness in the distribution between the races, and if there are inequalities in State legislation let them be removed.

Mr. RANSOM. I simply desire to ask the Senator from Indiana one question. I submitted, I hope cheerfully, to an interruption from him. My question is this, if the Senator from Indiana will hear me: If his amendment is substantially the provision of the bill as it now is, why has he offered this amendment and why does he insist upon it?

Mr. HARRISON. Does the Senator from North Carolina desire an answer?

Mr. RANSOM. Yes; of course I do.

Mr. HARRISON. I must have been very inapt in what I have stated heretofore or the Senator would have caught the difference between my amendment and the bill. The bill provides for no preliminary report for the first year. It provides for a distribution without reference to the amount that the State may raise, giving two dollars for one. I proposed that the State shall only have dollar for dollar, and a preliminary report became necessary in order to know what their system was.

Mr. RANSOM. To illustrate a little the difference between myself and the Senator from Indiana, I have cheerfully again submitted to his interruption when he peremptorily refused me one.

Mr. HARRISON. I do not wish to discuss any question of courtesy. The Senator asked me a question.

Mr. RANSOM. I certainly would not reflect upon the courtesy of the Senator from Indiana. The Senator from Indiana, as I understand him, says that the purpose of his amendment is to have these certificates preliminary to the first distribution of this fund, and that the bill already provides for the other annual distributions. Now I ask the Senator from Indiana this candid question, and I know he will answer it candidly. Has he not proposed a different certificate from the one in the bill originally? I ask him if his amendment does not differ entirely from the bill, and if in his remarks just now he did not say that he intended that it should differ?

Mr. HARRISON. I think not in any substantial particular.

Mr. RANSOM. Then why not take the original bill?

Mr. HARRISON. Because the original bill has nothing in it as preliminary to the first payment.

Mr. RANSOM. Then let the original bill apply before any money is paid out at all. Let compliance with the original bill be precedent to the payment of the first installment, if I may call it so, and do away with the Senator's long amendment.

Mr. BUTLER. Mr. President, I have just one word to say in regard to the amendment of the Senator from Indiana. I find some other difficulties about this amendment than the one suggested by the Senator from Indiana. I understand his proposition to be that his anxiety is to have such a report as will secure the impartial disbursement of this

money. That I understand to be the object which he has in view by his amendment, and that that report shall come in preliminary to any distribution of the money by the Federal Government.

Mr. HARRISON. I desire by this report to ascertain what the States are entitled to under the distribution made by the provisions of the bill and the amount that should go to each State.

Mr. BUTLER. Precisely. Now I have got the Senator to a point where I think we can come to some understanding with each other. He says that he desires that the report shall be made in advance; that that certification shall be made by the governor of the State. To whom? To the Secretary of the Interior. And he desires that that certificate shall show a certain state of facts in the State from which the governor comes. That I understand to be the Senator's proposition.

Now, what I object to is that the Secretary of the Interior should be the sole and exclusive judge of the sufficiency of that certificate. The Senator from Michigan says that we trust the Secretary of War with the disbursement of money. Certainly, but he does that upon his own responsibility as a Cabinet officer. There is no proposition in the bill to disburse one dollar by the Secretary of the Interior. Not one cent does the Secretary of the Interior disburse. If the Secretary of the Interior were to disburse the money, it would present a very different state of things, because he would do that upon his responsibility as a Cabinet officer.

Mr. CONGER. The bill provides that he shall certify to the Secretary of the Treasury, and the Secretary of the Treasury shall pay—

Mr. BUTLER. I decline to yield to the Senator from Michigan.

The PRESIDENT *pro tempore*. The Senator from South Carolina is

entitled to the floor, and must not be interrupted without his consent.

Mr. BUTLER. The Senator from Indiana says that the Secretary of the Interior shall be trusted in this bill. I say that possibly he might be a very honest man. It is no reflection upon a Cabinet officer, but let us suppose a case. Suppose there is a heated political controversy going on—and I care not whether that Cabinet officer is a Democrat or a Republican—and suppose that during the existence of that heated political controversy the governor of a State should certify to the Secretary of the Interior such a state of things, and the Secretary of the Interior should say to him, "Well, that, perhaps, is your opinion about it, but unless you agree to use your influence to carry your State in accordance with my political principles I shall pick some flaw in that certificate, and you can not have the money."

The Senator from Illinois [Mr. LOGAN] sneers. Mr. President, we have seen in this country a great many such instances as that I have just depicted. It is not at all impossible that a Cabinet officer might use his office to have the money disbursed as a corruption fund. It has been done before, and it will be done again if this bill passes. I care not whether he is a Democrat or whether he is a Republican, put a million dollars into a Cabinet officer's hands to send into my State, and it is not impossible, it is not even improbable in the light of the past, that he may say to the governor, "Carry your State for my political party and you shall have the money, but unless you do it you shall not have a dollar; I can pick such a flaw in your certificate as will prevent your having the money until after the election."

That is what I object to in this amendment. It puts the States at the mercy of a Cabinet officer who is responsible to nobody but his chief. The governor of a State is elected by the sovereign people of the State and he is responsible to his constituency. I say if the alternative is presented to me whether I will trust a governor in preference to a Cabinet officer, I will trust a governor because of his responsibility to his constituency. He has his office, he has his official life by reason of the ballots and suffrages of the sovereign people, and the Cabinet officer has his office by virtue of a statute of Congress.

Mr. MILLER, of California. A Cabinet officer is liable to impeachment.

Mr. BUTLER. Yes; and a great many people are liable to impeachment.

Mr. MORGAN. After the election.

Mr. BUTLER. After the election. I believe Mr. Jefferson said about the matter of impeachment that it was a mere bugbear or bugaboo, or something of that sort; that it did not amount to anything.

Mr. PLUMB. Mr. President, we are having a few side lights, it seems to me, thrown on this matter, growing out of the discussion. Here is my friend from North Carolina [Mr. RANSOM], who sat placid and gentle and quiet during all the time the main question was being settled, when we were agreeing to give this money, waiving all questions of State rights and everything of that sort, and there was not a word from this representative of the great State of North Carolina about any invasion of his State so long as we proposed only to give the money. But now when we propose to fix terms and the people who pay the money propose to fix the terms, it is an insult to his State and the governor of the State; and I suppose the tempestuousness of the Senator from North Carolina is a fit example of his people whom he represents here.

This is a national donation designed to be given to the State of North Carolina, and if they were to give their proper aliquot proportion they would not be here asking it. It is because they are to get money from somebody else outside of their own resources that this measure is proposed. It is because the people of Kansas are to give something from

their revenue; it is because the people of New York are to give something from their revenue, and the people of Massachusetts and Connecticut, and the other Northern States, and it is because the people do give it in the shape of Federal taxation that it becomes a national expenditure which the nation has a right to evidence in any way it pleases, and the States which take it have no right to object to any kind of condition that may be attached to it. They need not take it if they do not want it; but to say that the nation which makes the appropriation can not follow the expenditure and shall not through agencies of its own determine how it shall be expended and sit in judgment upon the method of that expenditure after the expenditure has been made is an assertion of a States-right doctrine which I conceive the Senator from North Carolina has been lying in wait for. He was perfectly willing that we should give to these States this money by an absolute donation for them to do just exactly as they pleased about it.

Then comes the Senator from South Carolina [Mr. BUTLER] with a suggestion which I have no doubt has been in the mind of a good many people before, but it comes more freshly to me in view of what he said, that in some way there was some politics in the expenditure of this money. The Senator says in a sub-tone that he believes there is.

Mr. BUTLER. I will say it out. I believe that there is politics in this bill.

Mr. PLUMB. Now, let us see about this matter. The Senator says he is afraid some Secretary of the Interior will say to the governor of some State, "Unless you carry your State for my party I shall not pay you this money." I think that if a national officer is likely to say that, if that is a present danger to be guarded against, the danger that that governor when he gets the money will spend it to carry his State is a great deal more lively source of apprehension, or as the Senator from Massachusetts [Mr. HOAR] suggests, that he will give an untrue certificate because he is obedient to a local condition of things or a local sentiment.

Mr. BUTLER. If my friend will pardon me, that is an additional argument against the passage of the bill.

Mr. PLUMB. I am not seeking for arguments against the bill.

Mr. BUTLER. You are making the argument stronger against its passage.

Mr. PLUMB. I am not seeking for arguments against the bill for the reason that I could not recite all the arguments that occur to me against the bill between now and to-morrow morning. I regard it as vicious in every line and letter; but if it is to be passed let it stand on the proper footing—a national donation or national expenditure to be controlled through national sources by national officials subject to the national authority, or else let there not be any appropriation made at all.

It has now become plain that the intention of the bill has been from the beginning (or at least the idea has been in the discussion) that this would finally be a donation substantially like that in 1836 out of the surplus revenues of the United States, to be divided up, to be used by the States just as they pleased. If we are to abdicate our functions as national legislators, as representatives here not only of the States but of the nation, we should put into as few and brief phrases as possible the donation to the States on the basis of illiteracy or whatever other basis you please, and then tell the States to take the money and bid them God-speed, do what they please with it. The Senator from North Carolina nods, and I have no doubt that is his view, and the view of the governor of North Carolina, and that a similar view is entertained by the people of that great State.

If the Secretary of the Interior is not the proper person to make the distribution, let us find some one. If we can not find a Secretary of the Interior who is to be trusted to do this business, how can we find a governor of a State whom we can trust? Here is a man who carries on the business of his office in this capital. He is responsible to us and is responsible to the people of the entire country, a responsibility which is much greater, begging the pardon of the Senator from North Carolina, than the responsibility of the governor of a State can possibly be. If the Secretary of the Interior is not a proper person to make the distribution, let the Secretary of the Treasury make it, or the President.

Mr. BUTLER. The Senator will pardon me.

The PRESIDENT *pro tempore*. The time of the Senator from Kansas has expired.

Mr. BUTLER. I will say to the Senator—

The PRESIDENT *pro tempore*. The Senator from South Carolina has already spoken upon the pending question. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Maryland [Mr. GROOME]. Is the Senate ready for the question?

Mr. CALL. Let the amendment be reported.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to perfect the paragraph proposed to be stricken out, on the motion of the Senator from Maryland, in section 3, line 30, by striking out after the word "revenue" the words "or in the school facilities afforded." The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Maryland [Mr. GROOME].

Mr. MORGAN. Let that be reported.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The CHIEF CLERK. In section 3, line 29, after the word "color," it is proposed to strike out the words "either in the raising or distributing of school revenue, or in the school facilities afforded" and to insert in lieu thereof "in the raising of school revenues;" so as to read:

No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age without distinction of race or color in the raising of school revenues.

Mr. RANSOM. I move to amend that by inserting the word "common" before "school."

The PRESIDENT *pro tempore*. It is not in order to move to amend the amendment. That is in the third degree.

Mr. BLAIR. That is in now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GROOME].

The amendment was rejected.

Mr. MORGAN. In section 3, line 19, I move to strike out, after the words "school-houses," down to the word "derived," in line 23, in the following words:

Whether any discrimination is made in the raising or distributing of the school revenues or in the school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. That portion of the amendment relates to the report which shall be made by the State authorities to the Secretary of the Interior. I propose to strike out that portion of it because it would only embarrass the action of the State government. The bill as it is proposed to be amended would take effect of course from the date of its passage, and we find that certain of the States have made discriminations, some in favor of the negroes, some against the negroes perhaps, but more generally in favor of the negroes, in the matter of school facilities and school education, in the distribution and raising of school funds; and if the Senate will strike out that portion of the certificate which the governor is required to make it will disembarass this matter very much.

I suppose it is taken for granted that any suggestion I may make about this matter is in hostility to the bill. If the bill is to become a law, it is as much my interest as that of any person, I suppose, that it should be a good law, and a law that may have some operation.

When the bill passes it will date according to its terms from the day of its approval by the President. The States are excluded by the bill which under present systems, at the date of the bill, make discriminations of the character which are referred to here, although the intention in making the discrimination might have been for the benefit of the colored population; and we shall have a system of laws which no man can read without saying that at the date of the passage of the bill if there was any of this discrimination contained in the statutes of the State, then the State is not entitled to this money.

Suppose we take a more liberal or generous view of the question or of the text of this amendment than that. Then the State Legislatures must be assembled, and they must pass laws for the purpose of getting rid of any discriminations that may exist in their present statutes before they can avail themselves of this money.

The bill proposes that the money shall be expended within a year from its passage. That is the theory and purpose of the bill. With a bill operating in that way, no State that has any discrimination in the language of the donation of this money can possibly receive any money, at least until she has amended her statutes so as to root out and abolish any sort of discrimination in favor of blacks or in favor of whites.

I do not suppose the Senator from Indiana really intended it should have that effect, but I submit that that is the necessary effect of it, and this would be very much disembarassed if he would strike out these words, so that the governor shall not be required to report:

Whether any discrimination is made in the raising or distributing of the school revenues or in the school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived.

I do not know why the Senator from Indiana wants to know the sources from which the revenues are derived. Must the governor go over the whole tax-list of his State and point out the different sources from which the revenue is derived before he can go to the Secretary of the Interior and have his certificate approved so that he can draw the money for his State under a bill of this kind?

The suggestion made by the Senator from South Carolina was both wise and opportune, for we do know that money moves the political atmosphere of this country more thoroughly and more profoundly than any other one element we have to contend with. Every Senator in this body knows that the great enemy of public liberty in this land to-day is money in the hands of political contrivers and machine-workers. In this coming Presidential campaign to which we are looking forward the ability of candidates on both sides is counted by the money they and their friends it is expected can handle. A governor of a State comes here with his certificate. The people desire him to have the



money for distribution among themselves. The Secretary of the Interior says, "I will not give it to you until you make a showing here according to this bill of the situation of your laws that will enable you to receive it." The governor says, "Well, I will put into the certificate anything or I will take out of the certificate anything if you will let me have the money, because my people are pressing for it; if I do not get it I am crushed and ruined as a politician, as an individual; I am counted upon as a factious opponent of the law; I am at your mercy; do with me as you please." That is the attitude in which you place our governors.

Mr. HARRISON. I do not see what is to be accomplished by striking out the clause referred to by the Senator from Alabama. It does not change the condition upon which the money is to be paid. That is found later on in the section, and it would still be impossible for the Secretary of the Interior to pay out money to any State that made this discrimination. So striking it out of the report to be made by the chief executive of the State would not at all modify the conditions on which it was to be paid to the State.

Now, Mr. President, as to this talk which we have heard about the danger that the Secretary of the Interior may use his discretion, his official judgment which is called for by this bill, for base and political purposes, it is quite possible that governors and school superintendents may use this money when it comes to the States for such purposes. Those of us on this side of the Chamber, I would say to the Senator from Alabama, who are favoring this bill have not been unmindful of the fact that this very money that goes out of the United States Treasury into the treasury of the States may become a potent local factor in politics, but if we are to legislate on this question at all we must trust to each other somewhat.

Mr. MORGAN. The Senator from Indiana will not, of course, speak in that way, for if it were so he would not have held a caucus upon it.

Mr. HARRISON. I do not know to what the Senator refers by speaking of what were so; but I say to him that matter has been considered by every one of us who favor this bill that it was possible this money in the States might be used for local purposes. The Senator from Kentucky [Mr. BECK] and other Senators on that side have more than once, since this debate has been on, given utterance to sentiments that if we had been prompt to resent this side of the Chamber might before this have made the discussion of this bill intended to appropriate money for educational purposes a partisan and a bitter discussion. We were told the other day by the Senator from Kentucky that he never trusted men twice. Mr. President, on this side of the Chamber we do trust men twice. If we did not it might be impossible for some of us to be on as friendly relations as we are with some of the Senators on the other side of the Chamber.

Mr. MORGAN. Or with your own party either.

Mr. HARRISON. I do not know what the Senator means by that, nor do I intend now to bring in any discussion which shall be unpleasant. We have simply confided to an officer of the General Government here—and I may stop to remark that my friends on the other side seem to take it for granted that the Secretary of the Interior for an indefinite period of time is going to be a Republican—we simply provide what is absolutely essential, as I showed to the Senator from North Carolina awhile ago, if you put a single condition in this bill, that the man who pays out the money must pass upon the question whether that condition has been met. The only way to avoid the difficulty which Senators have is to wipe out the condition and simply say that if a governor says "my State conforms to the conditions of the law," then the money shall go without any statement from him as to what his law is or as to the amount that they have expended out of their own revenues the previous year.

Mr. President, I do insist that this provision is reasonable, that it contains nothing that is insulting, that it contains nothing that trenches upon the dignity or authority or independence of any State, but simply requires a statement of certain things which must be known before the money can be distributed, and confides in an officer of the General Government a discretion that must rest somewhere as to whether the conditions have been complied with.

Mr. RANSOM. Mr. President, after the reproach which I received from the Senator from Kansas [Mr. PLUMB] for exercising what I considered to be a virtue, that of silence, in this body, my friends will not think I am intruding on the patience of the Senate. I have not had the time during this discussion, nor has it been my custom in the Senate, to speak much on any question. Perhaps I would have done better if I had followed the example of the Senator from Kansas. He shall not provoke or tempt me upon this bill to enter into a personal or partisan discussion. I regret—and I speak it with all the sincerity that it is possible for me to speak—that any allusion should be made here to party.

I tell the Senator from Indiana that I would have opposed this proposition just as strongly if the present Secretary of the Interior was a Democrat. I am resisting with all the ability I have (and I am sorry that the Senator from Kansas sees in it nothing but faction) what I believe to be a dangerous principle. It is not right, it is not in accordance with our Constitution; it is not in accordance with a free representative government that in the hands of one officer appointed by the

President, not elected by the people, you should by one line in a bill or by forty lines in a bill commit at the same time the highest legislative, judicial, and executive power.

Why, Mr. President, what does a law amount to, what will this statute amount to after it is passed, if you make it hang upon the discretion of the Secretary of the Interior? Is that the function of Congress? If the Constitution of the United States and the people give us these great powers, are we here in the face of them to hand them over to a Secretary of the Interior? I speak with great respect of the present Secretary of the Interior. I am glad he is my personal and respected friend, although a Republican. But has not the history of this country demonstrated that it is dangerous to trust any Cabinet officer too far?

The Senator from Kansas alluded to the bill of 1836. Has he forgotten the notable discussion upon the removal of the deposits and the change of General Jackson's Secretaries of the Treasury? Does not the Senator from Kansas know that that act of removal of his shook this country to its center and raised a storm in the Republic almost equal to that of the late war?

Sir, we have no right to take these powers of ours that the people and the Constitution have given to us and hand them over to a Secretary of the Interior. The conscientious, the candid, the patriotic, the benevolent author of this bill on the floor of the Senate—and I say that from the bottom of my heart—has said "but the bill reserves to you an appeal to Congress."

Mr. HOAR. Do you not want the conditions complied with?

Mr. RANSOM. They have been complied with, and they will be complied with. He says appeal to Congress. What will that amount to? The Secretary of the Interior, in his arbitrary discretion, responsible to no State, responsible to no popular vote, actually vetoes the distribution to one State, or to thirty-eight States, and then you come before Congress to get Congress to do—what? Can you remove him? No. Can you impeach him? You can not unless he is corrupt; you can not unless you can prove almost a felony upon him. Then where is your remedy? What will you do? Will you turn around and amend your bill? Where will be the innocent illiterate children of the South or of the West whom you propose to educate? No, Senators, do not divest yourselves of this great, high power.

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. BAYARD. It is with a great deal of regret and pain that I have heard the question of distrust of the good faith not only of individuals but of parties discussed upon this floor; and I am sorry that the Senator from Indiana felt impelled to say what he did.

The motives of this amendment I will not impugn in the least; but it is open obviously to the difficulty that the very framework of our Government interposes between what I think is the benevolence extended and the object which is desired to be reached. The laws of the Union should be uniform; in many cases it is required that they should be uniform; and you are here attempting to adopt a system of laws that should be uniform to arrive at a system in the different States that no matter what may be their merits can not be uniform. The end and the means are not apportioned; they are not in harmony, and the consequence is that I do not think you can frame a bill unless you leave conditions entirely aside as was the original framework of this measure, which will be a practical and a working measure for the object designed. How can you state a uniform proposition which is not according with the letter, certainly with the spirit of our national legislation, for all the States? How can you apply it to thirty-eight different systems?

I have read the amendment which proposes to impress the condition of equal school facilities for white and colored children as the condition under which alone the appropriation is to be made to each State. I do not believe as a matter of fact that if that condition is strictly adhered to and enforced upon the bill 5 cents of these \$100,000,000 will reach the real object for which the bill was designed, and that was to assist those whose illiteracy forms not only the greatest injury to themselves but the insecurity to the Commonwealth where they live and to the entire country. That is my criticism upon this amendment, and it is the trouble which comes from using the resources of a power that should always act on a uniform system and adapting it to another system individual in its nature and with the different features that thirty-eight different jurisdictions naturally would impress upon their independent systems.

I have stated before and I hope that my objections were comprehended and the spirit of them as to this assumption—

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce to the Senator from Delaware that his time has expired.

Mr. FRYE. Mr. President—

O wad some power the giftie gie us,  
To see ourselves as others see us!

The Senator from Delaware expressed great pain and regret that any politics whatever should be brought into the discussion of this question, and yet I sat here at least fifteen minutes a few days ago and heard criticism, aspersion, practical insult, boiled down in words that blistered, against the Republican party for every measure of reconstruction

from the first to the very last, from the Senator from Delaware, and the Senator from North Carolina repeated it, and the Senator from Kentucky added insult after insult to the Republican party for every measure of reconstruction. We have been taunted here day in and day out with having pillaged the South, with having plundered the South, with having treated her with every injustice, and almost every indecency; and yet, forsooth, if one single word is said on this side about the duty of the Government of the United States to follow an appropriation of a million of dollars into one of these States, then it is a matter of profound regret to the Senator from Delaware and to other Senators.

Mr. President, I have taken no part in this discussion. I have taken no part in it because I knew that my feelings were getting into that condition that I would not throw fire-brands into the discussion of a question of this kind; but how long, oh, Lord! how long, are we to be compelled to sit here and submit to these aspersions?

Mr. President, I will not now enter into this discussion except to enter my solemn protest, with all the solemnity of the Senator from Delaware, against any political question being brought into the discussion of this great humanitarian question.

Mr. CALL. Mr. President, I should like to ask the Senator from Indiana a question. I do not see anything so serious in this amendment of his. The amendment is only a recital of an act which is customarily performed by the governor of a State, and very properly performed, and the information which he is required to certify I do not regard as very important to the exercise of the power of the Secretary of the Interior. I wish to ask what necessity is it that there should be a report of the sources of revenue from which the State funds are raised?

Mr. HARRISON. I answer the Senator simply that we may see how much has been raised by taxation. The State is not to have more until we see what sources this comes from, whether it is a temporary donation of some one for a year, or whether it is a permanent fund with interest on it, or whether it is an assessment for the current year.

Mr. CALL. Well, I have no serious objection to it.

Now another point. The proviso is the important portion of the proposition, to which I see no particular objection. It provides that—

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color, either in the raising or distributing of school revenues.

Why shall not the distribution of money answer all the purposes? Of what consequence is it where the money is raised from?

Mr. HARRISON. I would say to the Senator that that was intended to meet the very case which has been suggested to be an existing case in some of the States, that the taxes were specially and distinctly levied upon colored people and upon white people; and the idea was that there should be a common and uniform assessment upon everybody, and then a common and uniform disbursement. That was all.

Mr. CALL. I suggest to the Senator that the word "distribution" would accomplish that, and at the same time the inequality in the raising of revenue in the State of Maryland is only to the advantage of the colored people, for it gives them all the money they raise from themselves, and then if you distribute equally the whole school fund they are only that much better off.

Mr. HARRISON. I think the Senator is mistaken as to the condition of things in Maryland. They get one-fifth of \$500,000 and then what they pay themselves. That is not an equal distribution.

Mr. CALL. My suggestion is to leave in this bill the word "distribute," and then of course they will have to have an equal amount of the whole revenue distributed to them, and it does not matter where it is raised from.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama to the amendment of the Senator from Indiana.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called.) I am paired on this question with the Senator from West Virginia [Mr. CAMDEN], who is temporarily absent. If he were present, I should vote "nay."

Mr. BECK (when Mr. HALE's name was called.) I am paired with the Senator from Maine [Mr. HALE] upon all amendments. Not knowing how he would vote, I withhold my vote on all.

Mr. HAMPTON (when his name was called.) I voted on one amendment just now, as I was told the Senator from Rhode Island [Mr. ANTHONY] would vote in the same way. I do not see his colleague [Mr. ALDRICH] here, and I can not vote on this question.

The PRESIDING OFFICER (Mr. HARRIS in the chair), when his name was called. The present occupant of the chair would state that he is paired with the Senator from Georgia [Mr. COLQUITT], who is temporarily absent.

Mr. JONES, of Florida (when his name was called.) I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

Mr. MORGAN (when his name was called.) I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. GARLAND. The Senator from Missouri [Mr. VEST] is paired with the Senator from Indiana [Mr. VOORHEES]. If they were here, the Senator from Indiana would vote "nay" and the Senator from Missouri would vote "yea." My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. My colleague would vote "nay" and the Senator from Oregon would vote "yea."

Mr. ALLISON. On this question I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB. My colleague [Mr. INGALLS] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. GEORGE. I learn that there is a pair between the Senator from West Virginia [Mr. CAMDEN] and the Senator from Kansas [Mr. INGALLS]. Therefore I vote "nay."

Mr. GROOME. I announce the pair of my colleague [Mr. GOEMAN] with the junior Senator from Rhode Island [Mr. ALDRICH].

Mr. JONES, of Florida. I am informed that the Senator from New Jersey [Mr. SEWELL] would vote in the negative on this amendment. So I vote "nay."

The result was announced—yeas 8, nays 33; as follows:

YEAS—8.			
Bayard, Butler,	Coke, Groome,	Jonas, Maxey,	Pendleton, Saulsbury.
NAYS—33.			
Blair, Brown, Call, Cameron of Wis., Conger, Cullom, Dolph, Edmunds, Frye,	Garland, George, Harrison, Hawley, Hill, Hoar, Jackson, Jones of Florida, Kenna,	Logan, McMillan, Manderscn, Miller of Cal., Miller of N. Y., Morrell, Pike, Platt, Plumb,	Pugh, Riddleberger, Sawyer, Sherman, Williams, Wilson.
ABSENT—35.			
Aldrich, Allison, Anthony, Beck, Bowen, Camden, Cameron of Pa., Cockrell, Colquitt,	Dawes, Fair, Farley, Gibson, Gorman, Hale, Hampton, Harris, Ingalls,	Jones of Nevada, Lamar, Lapham, McPherson, Mahone, Mitchell, Morgan, Palmer, Ransom,	Sabin, Sewell, Slater, Vance, Van Wyck, Vest, Voorhees, Walker.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. It has been suggested to me with a view of perfecting the amendment that there should be put in line 24 of section 3, after the word "the" and before the word "schools," the word "common," so as to read, "to the use of the common schools." And then in the following line, after the word "colored," the word "common" should be inserted; so as to read:

The number of white and the number of colored common schools.

Mr. MORGAN. I should like to ask the Senator from Indiana to define for us what a common school is. The schools in Alabama are called public schools, and they are graded; graded in four degrees. The higher schools in Alabama of the public system teach a very extensive academic course. I do not know whether they are common schools, or whether they are public schools, or whether they are academies.

Mr. HARRISON. I would say to the Senator that this term is one of universal use, at least so far as my observation goes, and applies to such schools of the lower order, not including universities and colleges, as are maintained by the State out of its revenues for the free use of its children—a common-school system.

Mr. MORGAN. I would say to the Senator that in the Southern States I think chiefly they are called public schools and not common schools. Almost all of them are graded schools and reach very far above anything indicated in this bill as being the general-welfare standard of education or the degree of the general-welfare standard.

The PRESIDING OFFICER. Is there objection to agreeing to the verbal amendments proposed by the Senator from Indiana? The Chair hears none, and they will be inserted. The question recurs on the amendment of the Senator from Indiana as amended.

Mr. BAYARD. Let us have the yeas and nays.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the yeas and nays have already been ordered on the amendment of the Senator from Indiana.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this amendment I am paired with the Senator from Missouri [Mr. COCKRELL]. If he were present, I should vote "yea."

Mr. BECK (when his name was called). On this amendment I am paired with the Senator from Maine [Mr. HALE]. I would vote "nay" if he were here and he would vote "yea."

Mr. JONES, of Florida (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

Mr. MORGAN (when his name was called). On this amendment I am paired with the Senator from New York [Mr. LAPHAM]. If he were here, he would vote "yea" and I should vote "nay."

The roll-call was concluded.



Mr. GARLAND. My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. I also announce the pair between the Senator from Missouri [Mr. VEST] and the Senator from Indiana [Mr. VOORHEES].

Mr. CAMERON, of Wisconsin. I desire to announce that the Senator from Minnesota [Mr. SABIN], who is opposed to this bill, is paired with the Senator from Michigan [Mr. PALMER], who is in favor of the bill. The Senator from Kansas [Mr. INGALLS] is paired with the Senator from Pennsylvania [Mr. MITCHELL].

The PRESIDING OFFICER [Mr. HARRIS]. The Chair would announce that the present occupant of the chair is paired with the Senator from Georgia [Mr. COLQUITT], who, if here, would vote for this amendment, while the Chair would vote against it.

Mr. GORMAN. I announce my pair with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 28, nays 15; as follows:

## YEAS—28.

Blair,	Frye,	Jackson,	Pike,
Cameron of Wis.,	Garland,	Logan,	Platt,
Conger,	George,	McMillan,	Pugh,
Cullom,	Harrison,	Manderson,	Riddleberger,
Dawes,	Hawley,	Miller of Cal.,	Sawyer,
Dolph,	Hill,	Miller of N. Y.,	Sherman,
Edmunds,	Hoar,	Morrill,	Wilson.

## NAYS—15.

Bayard,	Camden,	Jonas,	Saulsbury,
Brown,	Coke,	Kenna,	Vance,
Butler,	Farley,	Maxey,	Williams.
Call,	Groome,	Ransom,	

## ABSENT—33.

Aldrich,	Gibson,	Lapham,	Sewell,
Allison,	Gorman,	McPherson,	Slater,
Anthony,	Hale,	Mahone,	Van Wyck,
Beck,	Hampton,	Mitchell,	Vest,
Bowen,	Harris,	Morgan,	Voorhees,
Cameron of Pa.,	Ingalls,	Palmer,	Walker.
Cockrell,	Jones of Florida,	Pendleton,	
Colquitt,	Jones of Nevada,	Plumb,	
Fair,	Lamar,	Sabin,	

So the amendment was agreed to.

Mr. HARRISON. I desire now to submit the amendment which is in the hands of the Secretary, to strike out section 4 and insert—

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be reported.

The CHIEF CLERK. It is proposed to strike out all of section 4 and insert in lieu thereof:

That the amount so apportioned to each State and Territory shall be drawn from the Treasury by warrant of the Secretary of the Treasury, upon the monthly estimates and requisitions of the Secretary of the Interior as the same may be needed, and shall be paid over to such officer as shall be authorized by the laws of the respective States and Territories to receive the same.

Mr. RANSOM. Perhaps my apprehension about it is entirely unnecessary, but I would suggest to the Senator from Indiana that as I read this clause it means such officer as is authorized by the laws of the State to receive this money. That being the case, none of this money would be received by the States until a law of that character had been passed. Would it not be as well to say here "to the officer authorized by the laws of the respective States and Territories to receive the common-school funds of the State?"

Mr. HARRISON. I will say to the Senator from North Carolina that in considering the section as it stood it seemed to me that the matter was left in this situation: that this money would be paid over to an officer not authorized by law to receive it, who would not be held upon his official bond for it, and therefore that it was necessary to use the language which I have used in this amendment that it shall be paid to some officer authorized to receive it.

It may be that under some general statutes of the State the treasurer would be authorized to receive it; it may be that in some States he would not; but I would not meet that latter difficulty as the Senator from North Carolina would by turning it over to an officer who would not be held for it on his official bond, but I would wait until the State had provided by law who should receive it, because it would be a very loose method of distribution to turn this money over to officers who were not authorized by law to receive it and who were not held on their bonds for it.

Mr. RANSOM. I will interrupt the Senator so that I may have a chance to say a word. I do not know that the Senator could have given a better illustration of the confidence which he really has in the States in reference to this matter than to suggest that they would not have it turned over to officers without bond. I do not suppose they would. The Senator's amendment provides for no such thing, and I am glad that the Senator in that respect is disposed to trust the States. I think there can be no doubt that whatever officers are intrusted with educational funds in the States have to give bonds. I can not speak knowingly of all the States, but I know it is so in my State. I simply want that this fund shall be available at the earliest possible moment.

Mr. HARRISON. I want the same thing, but I want to avoid the anomaly of paying over such a large sum of money to men who have no authority by law to receive it. Therefore this language, I think all will agree, is essential.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. HOAR. I now make a motion, the reason for which I stated before, and which I thought was included in the amendment which I moved. I was misled by the printing of the bill. I move to strike out all of section 5 after the word "laws." That strikes out the latter part of that section about different races which has been already adopted in a little different phraseology in the amendment of the Senator from Indiana, and it is not necessary to repeat it. The first part of the language proposed to be stricken out, from line 6 to line 10, makes it imperative upon the States to instruct females in branches of technical or industrial education suitable to their sex and to give instructions in the industrial arts. The States are at liberty under the general bill, under a later section, to do that if they please, and this strikes out the obligation.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be read.

The SECRETARY. In section 5, after the word "laws," in line 6, it is proposed to strike out the residue of the section as follows:

And shall include, whenever practicable, instruction in the arts of industry, and the instruction of females in such branches of technical or industrial education as are suited to their sex, which instruction shall be free to all, without distinction of race, color, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, living in the same community but attending separate schools, from receiving the benefits of this act the same as though the attendance therein were without distinction of race.

Mr. MORGAN. I hope the Senate will not strike out the portion of the fifth section which is proposed to be stricken out by the motion of the Senator from Massachusetts. This bill is really intended to make provision for the education of the colored race. There is some varnish with respect to the education of poor white people, but the real purpose of it is to educate the negro race. Now, there is nothing that the young negroes of this country need to be taught so much as industrial and technical education of certain descriptions. They are not calculated to become scholars; their condition in life does not warrant it. They are compelled in order to sustain themselves, particularly in the cotton and sugar growing regions of the South, to labor a long time during each year in company with their parents for their common maintenance and support.

We can not afford in the South to pay negroes wages in raising cotton that the world will buy it from us to be compared with those of operatives in Northern factories and in Northern industries as they are called. The result is that any man, whether white or black, is compelled to work a very large portion of the year if he raises cotton and the grains and other food necessary to sustain him while he is at work. You may go through the State of Alabama—and that is about as good a State as there is in the South, about as prosperous as any—and you will find from this time of the year on to the end of the year white men with their wives and daughters and sons in the cotton-fields at work making the crops.

Mr. HOAR. May I ask the Senator if the schools in Alabama are stopped now?

Mr. MORGAN. No; the work is light, but it requires the larger portion of the year. The fact is it is a sort of motto among the farmers of the South that it takes thirteen months a year to make a crop of cotton and get it to market. So our people are occupied a great portion of the time in the labor necessary for their support, both black and white. We can not hope, under the present condition, that these people in the South will become learned and lettered people. They ought to have, of course, the elements of a good English education, as is suggested in this bill; but the most important thing that we can do at all for the young negro race in the South is to teach them those industries in the schools which are useful and honorable to themselves and their families, and a considerable portion of the time they are occupied in schools ought to be devoted really to that.

There is not in the whole South, so far as I know, a technical school. There is some technical education in the normal schools of the State, but very little. That man who is a real philanthropist, or a negrophile, or whatever he may call himself, a friend of the negro family in this country, who desires to benefit that race, will educate them in the industries, to start them to work upon a basis which will after a while lead them to become operatives in manufactories, &c. As it is now, they are learning almost nothing of that kind, and I think we ought to make it compulsory upon the States having charge of the education of the negroes to use the money in this way, for if we do not start the system in this act it is not likely that it will take shape hereafter.

We ought to compel those who have the control of this fund to apply it to the industrial education of the boys and the girls in the South.

It is more particularly valuable, I believe, to the women than it is to the men, because they are confined necessarily to a larger degree of indoor labor, and there are many very useful arts which can be taught in the school or where the rudiments can be taught upon which they can go on and build an education which will compensate them more for the time they may spend in the school-house than anything else they could possibly acquire. I hope the Senate will not strike out the proposition.

Mr. HOAR. I ask consent to say one word, as I did not occupy my five minutes before. If what the Senator from Alabama says is true—

The PRESIDENT *pro tempore*. Is there objection to the Senator from Massachusetts proceeding again? ["None."]

Mr. HOAR. If what the Senator from Alabama says is true, that these arts are not now taught in any common school in the South, the bill without my amendment will require every Southern State to revolutionize at once its educational system. It will require them to discharge the teachers they have now and to get new teachers who are required to teach industrial arts where they are not taught. If the amendment prevails the Southern States will as fast as in their discretion they think best introduce these industrial branches.

Mr. MORGAN. If the Senator will allow me, I wish to say to him that we have no such system of education in the South and the public attention has not been drawn to it. My point is to compel attention to it, to compel the starting of this system of education.

Mr. HOAR. They will not get anything until they change, if the amendment is not made.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, my next amendment is to strike out section 7. That section relates to the District of Columbia, and the motion goes upon the idea that whatever educational interests we have in the District of Columbia we provide for in the appropriation bill for the District. As that is exclusively under the jurisdiction of Congress, we do not need to embrace it in the provisions of this bill, which relates to States and Territories.

Mr. MORGAN. I looked at that proposition of the Senator from Indiana with a good deal of attention, and I could not understand why he wanted to get out the District of Columbia from this bill. I took it for granted it was because the negroes here were not entitled to vote and therefore it was not worth the while of the Republican caucus to educate the negroes of this District.

Mr. HARRISON. I assure the Senator that was not the reason, but it was because we expect in the appropriation bill for the District of Columbia, which my friend from Iowa [Mr. ALLISON] will presently report, to make liberal provision for schools here in the District.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana to strike out the seventh section of the bill, which will be read.

The Secretary read as follows:

SEC. 7. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but its existing laws and school authorities shall not be affected by the operation of this act. The school board of the District of Columbia shall be charged with the duty of superintending the distribution of its allotment, and shall make full report to the Secretary of the Interior.

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, in section 8 I move to strike out all after the word "provided" and insert the following:

That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

I ask to modify that amendment. It has been suggested to me by the Senator from Mississippi [Mr. GEORGE] and others that perhaps the expression "out of its own revenues" might limit the sum used by the State to the general taxes of the State and might not include those local assessments for taxation which are authorized by law. I therefore ask to insert after the word "revenues" the words "or out of the money raised under its authority."

I think it is fair that where taxes are raised in a municipality or in a county and used for that purpose the money so raised should be counted in measuring the amount.

Mr. MORGAN. In Alabama—I can not speak for the other Southern States—we have sold public lands donated to us, the sixteenth section largely, and the proceeds of the sales are held in the treasury of the State, and have been since they were disposed of, and we pay 8 percent interest per annum on these proceeds, each township receiving interest upon the amount of money for which its section was sold. Is that a fund raised out of the revenues of the State?

Mr. HARRISON. I should think undoubtedly it was.

Mr. MORGAN. The bill does not so express it, and I do not think any lawyer would so construe it if he had a lawsuit depending upon it.

Mr. HARRISON. It does not say "raised by taxation" but "out of its own revenues," and that is undoubtedly a part of the revenue of the State.

Mr. MORGAN. No, sir; it is not a part of the revenue at all; it is part of the trust fund the State has to pay interest upon. The State has always paid the money and paid the interest upon it. It is held as a fund in the treasury now. It is held there on the faith and credit of the State, and the constitution provides that the interest shall be paid upon it. All that fund, as a matter of course, will go for nothing under this amendment. We should have to amend our tax laws so as to increase them by about \$400,000 a year. We tax our people now \$1,500,-

000 a year. Of that we expend \$1,150,000, or about that, in governmental purposes, and the balance is applied to the school fund. About one-third of our taxes go to the school fund, of the actual taxation annually. If we are required to tax our people two millions of money, say so. We shall never get the people of Alabama to consent to a heavy tax amounting to two millions of money a year. We can not bear it.

Mr. PLUMB. It seems to me the Senator from Alabama is wrong in this matter. Whatever they do levy, as I understand the amendment, the United States authorities give them an equivalent amount. Whatever the State of Alabama does provide out of her own revenues under the authority of her own law, the National Government adds an equal amount. Consequently the State of Alabama is not required to increase its levy.

Mr. MORGAN. Here is a provision that requires so many millions of dollars a year to be paid out, a specific sum, so many millions a year to be paid out each year successively, and the quota of Alabama is based upon her illiterate population. She is entitled to that quota, but in order to get that quota she must increase her taxation in the State perhaps quite double what it is now. We are bearing all the burden of taxation there that we can bear really.

Mr. BLAIR. The State of Alabama will draw her full quota under the \$15,000,000 clause even now, or at least over half of it, and with the \$7,000,000 appropriated in the bill as amended she will get her full share upon the basis of illiteracy.

Mr. MORGAN. Of course she will get it, but she will have to double her State tax in order to get it.

Mr. BLAIR. Not at all. She will not have to increase her taxation at all. She is now raising an amount as large as she will receive under the provisions of the bill as amended—her proportion of \$7,000,000, the whole amount the first year.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. GEORGE. I desire to offer some amendments. They all go to the same point. The object is to require the States for the first four years not to raise more than one-third of the amount they shall receive from the Treasury and for the last four years that they shall raise an amount equal to the amount they receive from the Treasury. That was the way the committee originally reported the bill, and I think that is the fair way to do it.

Many of the States, as has been shown already in this debate, have taxed themselves to almost the full limit of the power of taxation. It does seem to me that in this act of donation and beneficence to the States there ought not to be imposed a condition which would operate so onerously to some of them as this condition will.

I therefore, for the purpose of carrying out that idea, move that after the word "that," in line 14 of section 8, the words "for the first four years" be inserted; that in line 16, after the word "than," the words "one-third" be inserted; and that there be added to the end of the section the following words:

And the last four years no greater sum shall be paid to any State or Territory in any one year than the sum expended out of its own revenues and money raised under its authority for the preceding year.

The PRESIDENT *pro tempore*. The Chair will first state the modification made by the Senator from Indiana [Mr. HARRISON] in line 17 of section 8, inserting after the word "revenues" the words "or out of moneys raised under its authority." That modification the Senator from Indiana has made. The Senator from Mississippi [Mr. GEORGE] now moves first to amend in line 14, after the word "that," by inserting "for the first four years."

Mr. HARRISON. Of course the amendment as it is put now must be considered as a part of that which is to follow; it means nothing of itself, and the proposition of the Senator from Mississippi is that the United States Government shall pay three times as much as the State raises, for the first four years. I hope the Senate will not adopt that amendment. In the first place, under the appropriations as they are provided for now in the bill, I take it there would not be enough money, nor anything like enough money, to pay to the different States three times as much as they raise now. That provision was in the original bill, but the original bill appropriated \$105,000,000, and now that this is reduced to \$77,000,000 and the \$15,000,000 to be appropriated the first year is reduced to \$7,000,000 under the amendment of the Senator from Massachusetts, the suggestion of the Senator from Mississippi does not apply; it would be inharmonious with the bill.

I have not time now to examine the tables of the Senator from New Hampshire [Mr. BLAIR], but I think he will bear me out in saying that the present appropriation would not at all suffice to pay three times as much to the States as they expend out of their own revenues.

Mr. BLAIR. No, it would not. I know there is no State that would be obliged to increase its present taxation in order to receive the full amount that it can receive under the bill as amended.

Mr. GEORGE. What was the statement made by the Senator from New Hampshire?

Mr. BLAIR. I know of no State, unless it be Louisiana possibly, and I am sure there is no State that will be obliged to increase its present



taxation in order to receive the full amount that it can draw under the bill as amended for the first year.

Mr. GEORGE. For the first four years?

Mr. BLAIR. The third year it would get a share of the \$15,000,000; but there is no State, on the other hand, as far as I know, and there can not be more than one or two certainly, which are not every year increasing their own taxation for school purposes, their own school revenues, and I have no idea but what in three years from this time the State of Mississippi will be raising that amount of school money from her own revenues which will enable her to draw the full amount that she can get under the \$15,000,000 clause which applies the third year.

I do not think that this is a practical matter of discussion myself as the bill has been amended. I think the amendment is well enough and does not interfere with the status of any State.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi desire to move his second amendment?

Mr. GEORGE. No, sir; not now.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. I wish to inquire of the Senator in charge of this bill what has become of the definition of common schools, or is it stricken out?

Mr. BLAIR. It is in an amendment already adopted.

Mr. MORGAN. I find that in section 4, on page 4, these words: "The term 'school district' as used in this section shall include cities, towns, parishes, or such other corporations as by law are clothed with the power of maintaining common schools," seem to be stricken out.

Mr. BLAIR. "All corporations clothed by law with the power of maintaining common schools" is in language taken from the section stricken out.

Mr. MORGAN. Is there no definition in the bill now of what a common school is?

Mr. BLAIR. As amended there is. The definition to be found in section 4, which is stricken out, is adopted at the close of section 11, on page 8:

The term "school district" shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools.

Mr. MORGAN. The same language?

Mr. BLAIR. It is the provision prepared by the Senator from Mississippi; the same thing.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, in section 10, line 2, I move to strike out the words, "or the District of Columbia," so as to make the section read:

Sec. 10. That no part of the educational fund allotted to any State or Territory shall be used for the erection of school-houses or school-buildings of any description, nor for rent of the same.

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, in section 12, line 3, I move to strike out the word "five" and insert "eight;" so as to read:

Sec. 12. That any State in which the number of persons ten years of age and upward who can not write is not over 8 per cent. of the whole population thereof shall have the right to receive its allotment and to apply the same for the promotion of common-school and industrial education, or the education of teachers therein, in such way as the Legislature of such State shall provide.

Mr. MORGAN. I move to amend that by substituting "twenty-five" for "eight."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. Some of the older States of this Union, enjoying advantages from the General Government in the way of tariff protection and otherwise, and enjoying a long run of commercial prosperity and freedom from the hardships and struggles of the wasting part of the war, have been enabled to furnish their people a school fund, so that they have reduced the illiteracy to 5 per cent. or below. I believe that is shown by the tables put into the Senate early in the discussion.

I object that it is wrong that the States which have had these advantages for so long a time and have not been compelled to endure the sufferings and hardships of other States should be permitted to have the entire control of this fund that we vote to them "in such way as the Legislatures of said States shall provide." It is an unjust and unfair discrimination, and it is an unconstitutional discrimination if there is any Constitution left at all, to pretend to make an appropriation of money for a general purpose and to give to any one State who may be concerned in the benefits of that appropriation advantages over the rest. There is no reason that can be stated in philosophy, none in respect of the spirit at least of the Constitution, why the State of Massachusetts should have the unlimited right to dispose of this money in the way that her Legislature shall provide, and that the State of Alabama should be restrained to dispose of it in such way as may be provided in this

bill by an act of Congress. That is an unjust discrimination against the States, and there is no sound reason for it.

The Senators from Massachusetts can look on with perfect composure at any dealing that the Congress of the United States may hereafter take with respect to this fund so far as it concerns the State of Alabama, saying to themselves, as they lock themselves up in the security which is provided in this bill, "What care we whether we hold it or not? Our sympathies, our benevolence, our goodness, our Christian virtues may induce us to allow you to have this fund, to even vote it, but under what compulsion are we, what community of interest is there between Alabama and Massachusetts after you have enacted this law in respect to the payment of this fund into the hands of the State for the education of the people there?"

Mr. HOAR. You are not going to give us sufficient to make it a cherry worth distributing. That is the answer to all that.

Mr. MORGAN. Then the Senator from Massachusetts need not take his cherry. If it requires two bites to take it, let him not make any bite at it at all. I do not care whether the sum given to Massachusetts is a small one or a large one. She has had under this Government more support than any other part of this continent. She carries less abroad in the way of exports than other people purchase than any other State that I can recall now. She makes neither corn nor cotton nor wheat nor oats, nor does she make cattle or hogs for exportation. She furnishes but little to the external commerce of this world.

I observe that the Senator from Connecticut wants to raise it to 9 per cent. in order to get his State also within this boundary where nobody can interfere and nobody can touch it, and where they can look on quietly at the struggles that other men in other portions of the country have to make for the purpose of getting their allowance of their conduct and control of their own affairs. Let it not be pretended by the friends of this bill on the other side of the Chamber that they are doing justice according to the law and the Constitution by this bill.

Mr. PLATT. Mr. President, the Senator from Alabama is entirely mistaken as to the scope of the amendment which I propose to offer. The amendment which I propose to offer is to strike out this section entirely, and then to provide that no State whose illiteracy is in excess of 9 per cent. shall receive any portion of this money for any purpose whatever.

Mr. MORGAN. Then I did misunderstand it.

Mr. WILLIAMS. I do not see the necessity of this section at all except to make a difference between the States of this Union. Why shall this section be put here allowing the States that have not an illiteracy beyond 8 per cent. to use their portion in the establishment of normal and technical schools? Let them take it as we do, as part of their common-school fund, then if they choose to appropriate a certain portion of their own taxation to these technical and normal schools let the thing be uniform throughout the whole country, and not make this invidious distinction in the most important measure that has been before Congress during this session. It strikes me as making a distinction between the States where illiteracy is greater than 8 per cent. and States where it is less. It allows those where illiteracy is less to appropriate their portion to a totally different purpose, and requires those whose illiteracy is greater than 8 per cent. to appropriate the whole of theirs to common-school education. Let all the States have it for school purposes, and if they have more than they want let them take out from their own State tax a portion and appropriate it to technical and normal schools or whatever they choose in furtherance of the general purpose of education.

Mr. BLAIR. It seems a little difficult to get on with those who prevent the reception of anything because they already know enough, so that they do not want it, as is the case with some of the States, as has been urged here upon the floor as a reason for striking out the Northern States, when on the other hand the remaining States that would then be benefited object to being legislated into the records of the country, as they express it, as pauper States.

Now, there ought to be satisfaction under the bill in one form or another from the same class of objectors. After it is modified to suit them when they make one objection, they ought to be satisfied with it.

Having said thus much, I wish to state precisely the reason for this section. The bill provides that not exceeding 10 per cent. may be expended for the education of teachers. Teachers are indispensable to schools. The States most needing this money are without teachers as well as without school-houses, and without the necessary means of giving instruction. On the other hand, the wealthier States, the older States, so far as the common school as an institution is concerned, are getting but a very small amount under this distribution, a distribution which being based upon illiteracy carries something of course to every State in the country, because there is more or less illiteracy everywhere; but the Northern States are not receiving enough under this bill, so that if it is distributed broadcast to every child within their borders of school age, as is the requirement in this bill, that child will not get enough to pay for handling the money.

In my own State a child might get 20 or 25 cents. It is not worth while to make a State distribution, for we have no State distribution in New Hampshire, and many other States raise their money in small local communities. We have no State fund in New Hampshire of any

consequence; and therefore in order to make the small sum that is coming to a State like New Hampshire (there will be perhaps \$25,000) of any real advantage, being in the State treasury, it seems very proper that the State, while it has the right to distribute it just as any other State if it sees fit to the scholars per capita, nevertheless should possess the right under the bill to appropriate 10 per cent. of what it does receive to normal schools and the training of teachers, and it should also have the right to appropriate the whole to that purpose if it sees fit.

This section requires that whatever they do receive shall be applied to the same general purpose which the other States receiving a larger amount are required to apply their funds to, but in order that the fund may be of any use at all some provision of this description seems to be necessary.

Now, as to its being wanted in the Northern States, there is no doubt that in every State something is needed. Certainly I know many States where additional facilities in the education of the teachers is necessary. It is so in my own State, and this little sum of \$25,000 would be a very substantial benefit in New Hampshire for that purpose, and so in many other States. And therefore I hope the Senate will be willing to let this section stand as it is. I am opposed to any amendment like that suggested by the Senator from Connecticut [Mr. PLATT]. I think we should all stand on the same basis and receive in proportion to our actual needs; and if there is less need, that is, less illiteracy, in one State, she should receive less in proportion to her population, and that is no invidious distinction. That is the one we adopt; but the striking out of certain States is an invidious distinction, and for States that are receiving a larger amount to raise an objection here that seriously affects the little my State is to receive I think is hardly the thing to do.

The PRESIDENT *pro tempore*. The time of the Senator from New Hampshire has expired.

Mr. LOGAN. Mr. President, I am opposed to the proposition of the Senator from Connecticut, and at the same time I am in favor of striking out this section.

Mr. MORGAN. If the Senator from Illinois will allow me I will withdraw my amendment and give way to his motion. I withdraw my amendment, Mr. President.

The PRESIDENT *pro tempore*. The amendment of the Senator from Alabama is withdrawn. The question recurs on the amendment proposed by the Senator from Indiana to strike out "five" and insert "eight" in section 12, line 3.

Mr. LOGAN. This bill goes upon the theory that those who are denominated and known as illiterates in this country shall receive an equal benefit from the donation from the National Government. The bill is understood to be one "to secure the benefits of common-school education to all the children of the school age \* \* \* living in the United States." That is the language of the bill. If that be, so let the money be distributed according to that theory; and if the bill provides that the money shall be used for a common-school system and none other in one State, let the same rule and principle apply to other States. There are persons who are illiterate in all the States. If we aid them upon that ground we may as well aid them in one place as in another. Because the States are able to educate their own children, because they are willing to do it, is no reason why you should provide that they shall have no portion of this fund if they are willing to accept it, because it should apply to one child as well as another, whether it resides North, South, East, or West, if entitled to the benefit.

Another reason I oppose it is this: We have had a line drawn between the North and South long enough, and I will not support any character of legislation which is denominated general legislation in this Congress or any other that makes a distinction between the States of this Union. One of the great troubles we have had in this country has been the different theories of the different portions of the country. I mention it not in any spirit of feeling or animosity toward any section of the country. We should wipe out everything that would show a distinction of any character whatever where we can avoid it.

Now, why appropriate the money for normal schools in the North and for common schools in the South, I ask any one? Why do it? If a State in the North is capable and competent to support the common schools, it is competent to support the normal schools. Then upon the ground of their ability and capacity to support their own schools they can support one class of schools as well as the other class of schools.

Let us make no distinction in the bill in reference to States and Territories, but apply it alike to all persons who are entitled to receive the benefits of this donation, no matter where they may be. I do not believe that one dollar of this money should be used for normal schools or for institutions of any character save the common schools of our country. It is there that the poor children and the illiterates of this country are to obtain the education they will obtain. Those who are not capable and have not the means to educate themselves elsewhere, acquire the education that may be obtained in common schools, which is sufficient for them in almost any kind of business into which they may enter. Let the money be used for that purpose, for the benefit of that class, and not for the benefit of any other class.

It being the intention of the bill when first introduced and the intention as expressed by all the promoters of the bill at the time, let the principle exist and remain in it that we first started with, that it

shall be for the benefit of the common-school system of the country wherever it is necessary, and for nothing else.

Mr. PLATT. The amendment proposed by the Senator from Illinois should recall the Senate from its wanderings to the consideration of the objects and purposes of the bill. The bill is introduced and supported upon one theory only, and that is that in sixteen States of the Union there is greater illiteracy by reason of the fact that the colored race is there. It has been stated from the commencement of this discussion to the present time that that was the reason why the General Government has been called upon to aid in this education.

I undertake to say if it were not for the fact that it is believed there is an obligation upon this Government to educate the colored children of this country, nobody would have introduced such a bill as this here, and no such bill would have been reported. Go to the country on the proposition that this bill is for any other purpose except for the education of the colored children of the country, and it would have no support whatever. There is no warrant for it in the Constitution; there is no warrant for it in the history of this Government. All its advocates put it upon that ground, and why not let us be honest and apply it for that purpose? If the bill were to educate children in the Northern States, there is not a Senator here who would vote for it. If the bill were to educate colored children in any State where the illiteracy was so great for that reason that the General Government ought to step in, all Senators would vote for it.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. PLATT. Certainly.

Mr. LOGAN. I wish to call the Senator's attention to one fact. Without naming the Territories, if he will examine the statistics he will find that two or three of the Territories are in as much need of aid and support for the benefit of a common-school system for the education of children there as exists in any of the Southern States.

Mr. PLATT. The Territories generally are making every exertion to provide funds for educational purposes, and some of the Territories have a larger fund in proportion to population for the education of their children than almost any of the States.

From the start of this discussion I have had great difficulty in voting for the bill. I sympathize with the object of it; I want to vote money to educate the ignorant colored children of this country, and that is the ground on which the bill is put. That is what the country understands we are trying to legislate here for; but I have great trouble about voting for a bill not one-third of the money appropriated by which will ever reach the colored children of this country. I do not believe the people of this country desire the Government to go into the education of children in the States where education is fairly provided, and where the States are able and willing to provide that education, and where the percentage of illiteracy is very small indeed.

Mr. HOAR. I do not think my friend from Connecticut states the theory of the bill or the evil which the bill is intended to remedy quite correctly. It is true that the occasion for entering upon this field of legislation was the fact that by reason of the enfranchisement of the colored race a large portion of the illiteracy of the country was added to its citizenship; and if that had not happened undoubtedly no bill of this character would have been introduced. But it is not true that anybody expected to confine the benefits of the bill to the colored children of the country. It is not true that the evil which it is intended to reach and remedy exists exclusively in the colored race. There is, as the statistics which have been read show, a large mass of white illiteracy, I think in one State amounting to 33 per cent. of its whites above the age of ten years who are unable to write.

It will be remembered that the statistics of illiteracy which are exhibited by the census-taker fall very far short of the actual truth. Every man who can barely write his name reports himself to the census-taker as a person able to write. It is said by one of the very highest authorities in educational statistics that there ought to be added at least 33 per cent. to the number of persons reported as illiterates in ascertaining the number of people who have no education, who are illiterate for all practical purposes of receiving or imparting knowledge by reading or writing.

It is not therefore true that we are looking out for the colored race alone. The colored people of course turn the scale and that makes this evil, which existed largely among the whites in some portions of the country, an evil of national proportion and demanding national correction.

The theory of this section, to which the Senator from Illinois [Mr. LOGAN] objects, is simply this, that there are some States whose percentage of illiteracy is so small and the sum they are to receive is so small under the bill that it is not worth the cost of introducing in those States a new system of distribution and a new system of reporting for the money which they will get.

I will take my own State of Massachusetts. We shall get, if I have computed it correctly, about \$100,000 only. We have about three hundred and forty towns, and among those towns are twenty-two large cities, and eight or ten more that will be cities within ten years probably, and forty or fifty more towns of five, six, eight, or ten thousand inhabitants. Our school moneys are raised by the townships. The State has a school fund very small in proportion to what the towns



raise by taxation. The income of it is distributed on certain conditions and in a certain manner; not the manner provided by this bill, though equally to all the children of the State alike. Now, to compel us or to compel the State of New Hampshire—we having much less than the amount of illiteracy prescribed in the section, and having, as I said the other day, no illiteracy among our native children at all—it would be a great inconvenience and great cost for the little sum we are to get to make us go through this cumbersome and inconvenient mechanism.

That is the whole of it. It is not for the sake of making any distinction in the principle between the States. Those States are named. It only says that where the percentage is so small that it is not worth while to have it distributed, where the States are performing the duty themselves so thoroughly, you may let them take this one sum and distribute it by itself.

Mr. BUTLER. I should like to ask the Senator from Massachusetts if it is not a discrimination against the States having a greater proportion of illiteracy?

Mr. HOAR. Those States give 10 per cent. of their own proportion to the same purpose.

Mr. BUTLER. Is not that a discrimination against the States? That is to say, this section will permit one State to regulate the fund according as its Legislature may require, but those States that have 8 per cent. of illiteracy must be governed by the Congress of the United States.

Mr. HOAR. Those States where there is a clear and palpable need of it for common schools shall have it go to the common schools, or, in other words, where it is worth the cost of the machinery the common schools shall have it in that way; but there are some States where the amount is so small it is not worth while.

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired.

Mr. HOAR. The normal school is a system of educating the teachers for the common schools—

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired.

Mr. MORGAN. We have been having, as I understand, about 700,000 of population drawn from foreign countries for several years past, perhaps for ten years past or more than that. Assuming that one-fourth of those are within the educational age, a very large proportion of them certainly can not speak the English language and they can not read the ordinary school-books in the English language. One of the purposes of the bill is to have the children educated in the common schools up to the proper educational standard in that language. If I am correct in my figures, we have 875,000 people in the United States now who come from foreign countries, and must be within the school age, representing that to be from 5 to 21.

I think under such circumstances the States of the North need not flatter themselves that they have not got something yet to do. I spent about six weeks in Boston last year. It is a nice, beautiful city, with a splendid population, but I undertake to say that there is not a town in the United States that in the lower part of that city has a more rowdy, uneducated, boisterous, uncontrolled population than the city of Boston. That is due very largely to the illiteracy of the people. They are emigrants who have come in there; I must say they are very largely Irish people; but if there is a place in the world where a schoolmaster is needed it is right in the city of Boston. If you can compel them to go to school there and to submit to discipline you will do more for Massachusetts in that particular than you can do for almost any State that I know of; at least that part of it. The great body of the people of Massachusetts in the country are educated people; their children are cared for; but this foreign flood of immigration that comes into the city of New York, the city of Boston, the city of Philadelphia, the city of Baltimore, must increase the rate of illiteracy very greatly as it is described in this bill.

Mr. HOAR. The Senator will permit me to say that the State is doing that work so faithfully now and so efficiently that while her population has increased enormously within the last decade and the proportion of her foreigners has increased enormously, the percentage of her illiteracy among her foreigners has largely diminished and is diminishing every year.

Mr. MORGAN. I have no doubt that it is.

Mr. HOAR. We have in school in Massachusetts more children than the census gives us children of school age within that State.

Mr. MORGAN. I have no doubt we have a great many more in Alabama in school than the census gives us of school age in that State. The census is not a reliable report upon any part of this subject in my judgment. How it happens of course it is not for me to explain, but in regard to any portion of the United States it is not reliable.

The Senator from Illinois [Mr. LOGAN] referred to the illiteracy of the Territories. How does that happen? It happens because this flood of immigrants pours to the Northwest.

Mr. CAMERON, of Wisconsin. Not at all.

Mr. HARRISON. No; it is the Southwestern Territories, Arizona and New Mexico, that were referred to.

Mr. MORGAN. It will be found by an examination of the table submitted to us that the Territory of Utah has a less proportion of illit-

eracy to-day than several of the older States of the Union. Utah is not very celebrated for its good morals, but they have a very fine school system in Utah. I have been there; I have examined it. A very large proportion of the children of Utah are in school every day that they can spare from work upon the farms of their fathers, and as to Sunday-schools, there never was such a country for Sunday-schools as Salt Lake City and the surrounding region.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired.

Mr. HARRISON. I am a little surprised at the sensitiveness to what is supposed to be a discrimination against the Southern States in the section of the bill which we are now considering. The bill goes upon the idea that I suppose three-fourths of the total sum that is appropriated is to go to the South. It has been deliberately framed with that object in view. Instead of distributing this money upon the basis of population or the census of school children, it has been distributed upon the basis of an illiteracy that gives from two-thirds to three-fourths of it to the Southern States.

Mr. BUTLER. Will the Senator pardon me just there?

Mr. HARRISON. Certainly.

Mr. BUTLER. I presume the Senator refers to what I said about the discrimination against the States. If it be true that so much of this money is to go to the South, why not let it go there on the same terms that it goes to Indiana, for instance, or any other State in the Union?

Mr. HARRISON. Simply because the condition of things in the South that makes it just for us to make this discrimination in its favor makes it improper that it should be used exclusively for high schools or the higher branches of education.

Mr. BUTLER. But what right has the Senator to assume that it will be used exclusively for high schools in the South? That is what I can not understand.

Mr. HARRISON. I have no right to assume it; I do not assume it; but I propose in the bill that we shall direct its use to the eradication of the evil the existence of which we recognize and for the removal of which the bill is framed. As the Senator from Massachusetts [Mr. HOAR] has said, we have reserved to the Northern States so small an amount of this munificent appropriation that to distribute it all through our common-school districts in the State is simply an inconvenience; in many of the States we had better be without it. Therefore, some days ago I proposed to offer an amendment which should confine the entire appropriation to States having over 10 per cent. of illiteracy. I would have been glad if the bill could have been put upon that basis; but if the amount of the appropriation is to be \$77,000,000, as has been agreed, then I am not willing that it should be put upon that basis, for it is too large a sum.

But are we giving any offense to our friends in the South when we say to them, "Though we would have been entitled upon any basis of population to much the larger part of the fund, yet we have given away all but about a quarter of it to you, and now we simply ask that in the use of that quarter in the Northern States we may not be compelled to distribute it among our school districts where it would simply disturb the machinery of our schools, but that our Legislatures may be allowed to use it in the normal school or in the agricultural college or in some method that will make it really a benefit to us?" It must be expended for schools. Even where there is a higher rate of illiteracy we allow 10 per cent. to be used for the education of teachers. I think there can be no wiser use of a limited amount of this fund than to prepare in the different States people who will be competent to take charge of schools.

Mr. BUTLER. Then I understand, if the Senator will pardon me, that there is not the same degree of accountability in those States which have less than 8 per cent. of illiteracy that there would be in a State having 8 per cent. or over?

Mr. HARRISON. What does the Senator mean by "the same degree of accountability?"

Mr. BUTLER. I mean precisely what I say, that there is not the same degree of accountability.

Mr. HARRISON. There is precisely the same degree of accountability, only the discretion as to the use of it is changed and enlarged. The sole difference is that in the States having less than 8 per cent. of illiteracy we enlarge the discretion of the Legislature in dealing with the fund.

Mr. BUTLER. In other words, it will be a surveillance over the States of the South and will not be over the States of the North.

Mr. HARRISON. Not a whit more. We require those States to report what they have done with the money, just as we require the Southern States to report, and to state what their school system is. They have to make the entire report precisely as they do from the other States; but we simply enlarge the discretion of the Legislature in order that this fund may do us some good. We have diminished it to such an extent that it will do us no good if we are to distribute it through our common-school districts, and we simply ask the privilege of using it so that it may do us some good.

Mr. BUTLER. Then I will ask another question. Can not the Legislatures in those States where there is 8 per cent. of illiteracy exercise

the same judgment and be just as much trusted and relied upon for a faithful application of this money as those States that do not have so much illiteracy?

Mr. HARRISON. I say it is not a question whether the Legislatures are to be relied upon; it is simply a question of the direction by Congress of the money to the purpose for which we vote it. I would not be willing to give this discretion to any State having more than 8 per cent. of illiteracy and professing its inability to deal with the common-school question in that State. I say we ought to direct by the bill that it should go for common-school education alone.

Mr. LOGAN. I move to strike out the last line for the purpose of making a remark. I desire to call the attention of the Senator from Indiana to this fact—

The PRESIDENT *pro tempore*. The Senator from Illinois will state what his amendment is.

Mr. LOGAN. To strike out the last line of the section.

The PRESIDENT *pro tempore*. That amendment is not in order at this time. The Senator from Illinois may move to strike out "eight" and insert "nine" if he likes.

Mr. LOGAN. I will do it, sir.

Mr. SHERMAN. Move to strike out "eight" and insert "ten."

Mr. LOGAN. I will make any motion necessary, merely to call the attention of the Senator from Indiana to this proposition: Take what he says himself and what is said by the Senator from Massachusetts and the Senator from Connecticut also, that the theory of the bill is to educate the colored people, they being the illiterate people and the people to whom we owe a great obligation as it is inferred from what has been said. If that be true, the only way to do that is by the distribution of the fund to common schools.

Now, take the State of Kansas. I do not know what the exact population is, but there are more colored people in the State of Kansas than there are to-day in the State of Maryland, perhaps more than there are in the State of Kentucky. There are more colored people in the State of Illinois than there are in Delaware.

Take the colored people in the North, who are a part of the colored people who were slaves prior to the late war; they are entitled to a portion of this distribution as well as the colored people of the South. If you use the money for the purpose of aiding the normal schools of the country, you then deprive the colored people of the North of a great portion of the benefits of this fund, not for the reason that they are not permitted to attend the normal schools, but the fact is that they do not attend them except a few. Take the two normal schools in my own State. In one of them I have never known more than one colored person to be educated, although it is located in a portion of the State where the most of the black population of the State live.

The adoption of this section strikes out all the power of your legislation to do the very act that you claim the bill proposes to do, and that is to apply the fund for the benefit of the colored people of the land. I look upon the theory of the bill as applicable to all classes, colored and white, who are illiterate; but according to the statement of the gentleman that it is peculiarly and particularly for the benefit of the colored people of the South or of the colored people of the North, for they are all of the same race—

Mr. HOAR. I did not say that.

Mr. LOGAN. No, but it has been said by different Senators. According to that theory this section is certainly not in accordance with the desire of the Senators who promote this bill. I do not believe that you can satisfy the people of this country with that section in it.

I live in a populous State. It is a rich State. The people are capable of educating their own children, and they do it. They do not stand in the scale to-day, as far as illiteracy or education is concerned; but, proud people as they are, if they are called upon to pay a great portion of the tax for assisting in the education of these people I think they will not refuse their own proportion and share of this fund that is to come from the National Government. Nor do I believe that there is a State in the East that will refuse it. Small or large, it makes no difference; all are entitled to it. If they pay the tax that produces this fund they are entitled to their pro rata share of it, no matter whether it is small or great. For those reasons I think the section ought not to remain in the bill.

Mr. HOAR. This whole thing is illustrated by the story of a colored man who was to raise a crop of cotton, of which he was to have a third. On being asked how it turned out, he said they only had a third of a crop, so he took the whole. This bill provides that in every State of the Union the Legislature may, in its discretion, apply 10 per cent. of the money that it receives to normal schools.

Mr. PLATT. Of what character?

Mr. HOAR. In the ninth section on the seventh page, for teachers of common schools. Normal schools are a kind of common school. It is there that the teachers of common schools are instructed.

Mr. LOGAN. No; I beg the Senator's pardon, they are not a part—

Mr. HOAR. Let me state it. Normal schools are in my opinion, and I affirm, a part of the common-school system. That is my opinion about it. They are so in our State. But whether they are or not, they are a method for providing teachers and instruments for the common schools. Every State in this Union will be entitled to appropriate a tenth of the money that it gets for that purpose, but in a good many of the States

the whole sum they will get will not amount to a tenth that the other States will get, or much more, so where the amount they are to get is so small that it is not worth the cumbersome mechanism of distributing over the whole common schools you say that this object for which the other States are going usually to pay out as much of the money in actual sum as this little sum, all the States that have less than 8 per cent. of illiteracy may apply their entire proportion to this purpose. Some of the States have only 2 per cent. of illiteracy. New Hampshire has only 2 per cent. of illiteracy, I think.

Mr. BLAIR. New Hampshire has about 5 per cent. Wyoming has 2.67 per cent. of illiteracy.

Mr. HOAR. Well, 2 or 3 per cent. Instead of letting them pay the tenth of it to normal schools you let the Legislature if it chooses give the whole, and practically Massachusetts will not give as much, New Hampshire certainly will not, or Connecticut, or Vermont, or will Maine, give as much of the sum received by the bill, if the Legislature elect to give the whole to normal schools, as North Carolina or Georgia will, they being confined to the tenth. Georgia gets thirty-six times as much of this fund as New Hampshire, and she is at liberty therefore under the bill to give more than three times as much as New Hampshire is. That is the whole of it.

Mr. ALLISON. Mr. President—

Mr. LOGAN. I wish to ask the Senator from Massachusetts—

Mr. HOAR. If I have any time left, I will give it to the Senator from Illinois.

Mr. LOGAN. You have time; you can answer it "yes" or "no." My question is in regard to the story the Senator told of the colored man who raised only a third of the cotton. I should like to have the Senator state whether the colored man got that third or whether he did not.

Mr. HOAR. Certainly, he got it.

Mr. LOGAN. Under this bill I do not think he would get it.

Mr. HOAR. The colored man was the legislator, who made the distribution himself.

Mr. ALLISON. The only argument I have heard in favor of this twelfth section is that it will be some inconvenience to States like New Hampshire and Massachusetts to distribute this fund on account of its being so small. I think those States had better subject themselves to some little inconvenience in order to have a general system with reference to this matter.

It is said that this is a discrimination by the bill against a portion of our country. I think it is of that nature, because, although no States are mentioned, it is true that this provision fixing 8 per cent. applies to every Northern State except Rhode Island, and the point above 8 per cent. includes every Southern State, and includes the Territories of New Mexico and Arizona.

Therefore I shall vote against this amendment and I shall vote with the Senator from Illinois to strike out this section, because I believe that if this section is to be retained the money should be distributed in the way that we have provided elsewhere. The object of the bill is practically stated in one of its sections, and I think this is in violation of the object of the bill:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories.

If that is the object of the bill, and I take it to be its object, I am not in favor of establishing a system of normal schools in every State of this Union which will grow in its expenditure, and which will come here year by year, not for these eight years but for all succeeding years, asking us to make appropriations to maintain that system of normal schools. I am in favor of striking out the twelfth section and leaving every State to stand upon the general provisions of the bill.

I will say further that my inclination is to vote for the amendment suggested by the Senator from Connecticut [Mr. PLATT] so as to confine the bill to the real purposes which the debate has disclosed to be the intent of it.

Mr. PLATT. The discussion upon this amendment makes more clear the wrong principle upon which this money is given. A word has arisen in the discussion which has fallen from the lips of almost every Senator who has discussed the bill which is dangerous in its tendency, and that is the word "distribution."

The bill professes to aid education, because, as is said, the colored race are illiterate and because certain States within which that illiteracy of the colored race exists are unable to remedy the condition of things. But the moment that you go outside of that, the moment that you forget the purpose of the bill and give money to the State of Kansas or to the Territory of Wyoming, which has less than 3 per cent. of illiteracy, then you come to the distribution of money among the States. That is a dangerous doctrine and one which I do not want to sanction.

I think that there is much to be feared from the idea which is prevailing in the Senate that if the Government is going to do anything in any one State to aid education it must, in order to do it, distribute some money to all the States. That is an evil which we have much reason to fear. It is for that reason that I do not desire that these States which have so small a percentage of illiteracy shall have any portion of this money. If there was no more illiteracy in this country



than exists within the States which come within the amendment which I propose to offer and have not 9 per cent. of illiteracy, nobody would pretend to justify this bill. But there seems to be an idea that because in certain sections of the country there is a large proportion of illiteracy, and because the States there are not able to deal with it, the Senate and the Government can not deal with it unless they distribute some paltry pittance to all the States of the Union.

If this distribution be made it will be the first time in the history of this Government that there has ever been *ex nomine* a distribution of money to the States, and I fear that it will not be the last time, but it will be a precedent which will justify future distributions for other purposes.

I want to vote for this bill. I think the purpose of aiding in education where the States are unable to do all that should be done is a good one, and I want to vote for it. I wish the General Government to supply the means, but I do not want, in order to have such a bill pass, that we shall adopt the principle of taking money out of the national Treasury and distributing it among the States, for that is just what this bill is, and nothing else.

The PRESIDENT *pro tempore*. The time of the Senator from Connecticut has expired. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN], to strike out the word "eight," in line 4, and to insert "nine."

Mr. LOGAN. I withdraw the last amendment that I offered.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois is withdrawn. The question recurs on the amendment proposed by the Senator from Indiana [Mr. HARRISON], to strike out the word "five," in line 3 of section 12, and to insert "eight." [Having put the question.] The yeas appear to have it.

Mr. PLATT. I do not think the question was understood.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana to strike out the word "five," in line 3 of section 12, and to insert the word "eight."

Mr. PLATT. The Senator from Illinois did not withdraw his first amendment?

Mr. LOGAN. No; I withdrew the last amendment. My first amendment is to strike out the whole section.

The PRESIDENT *pro tempore*. That amendment is not in order until the question is taken on the amendment of the Senator from Indiana.

Mr. LOGAN. I was going to ask whether the question to perfect the section first would not be taken before the question can be taken on the motion to strike out the section.

The PRESIDENT *pro tempore*. The question of perfecting must first be put. The question is on agreeing to the motion of the Senator from Indiana to increase the per centum from 5 to 8 per cent. of the population, &c., in respect of using the money for normal schools.

The question being put, there were on a division—yeas 16, noes 22; no quorum voting.

Mr. HARRIS and Mr. HARRISON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. BECK (when Mr. HALE's name was called). I am paired with the Senator from Maine [Mr. HALE]. I do not know how he would vote on this amendment, and I withhold my vote.

Mr. HARRIS (when Mr. FARLEY's name was called). The Senator from California [Mr. FARLEY] is paired with the Senator from New York [Mr. LAPHAM], and both Senators are temporarily absent.

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON], unless my vote should be necessary to make a quorum.

The roll-call was concluded.

Mr. JONES, of Florida. On this amendment I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

The result was announced—yeas 20, nays 25; as follows:

#### YEAS—20.

Blair,	Edmunds,	Hoar,	Platt,
Conger,	Frye,	McMillan,	Riddleberger,
Cullom,	Harrison,	Manderson,	Sawyer,
Dawes,	Hawley,	Miller of N. Y.,	Sherman,
Dolph,	Hill,	Morrill,	Wilson.

#### NAYS—25.

Bayard,	Colquitt,	Maxey,	Ransom,
Brown,	George,	Miller of Cal.,	Saulsbury,
Butler,	Harris,	Morgan,	Vance,
Call,	Jackson,	Pendleton,	Williams.
Camden,	Jonas,	Pike,	
Cameron of Wis.,	Kenna,	Plumb,	
Coke,	Logan,	Pugh,	

#### ABSENT—31.

Aldrich,	Farley,	Jones of Florida,	Sabin,
Allison,	Garland,	Jones of Nevada,	Sewell,
Anthony,	Gibson,	Lamar,	Slater,
Beck,	Gorman,	Lapham,	Van Wyck,
Bowen,	Groome,	McPherson,	Vest,
Cameron of Pa.,	Hale,	Mahone,	Voorhees,
Cockrell,	Hampton,	Mitchell,	Walker,
Fair,	Ingalls,	Palmer,	

So the amendment was rejected.

Mr. LOGAN. I now move to strike out the section.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Illinois moves to strike out section 12.

Mr. HAWLEY. I was rising to support that; I did not know but that the motion was pending already. I shall vote to strike out that section. We are developing, as we proceed with this discussion, the serious objections to the whole measure. Here is a great temptation. This provision of the bill would give to my State \$31,000 to apply to the normal school.

Mr. BLAIR. Not necessarily; just as you please about it.

Mr. HAWLEY. But the State is abundantly able to take care of both her normal school and her common schools, and she does it. The State may say, "Here is so much clear gain; let us endow the normal school with it." If I have not sense enough to resist that temptation here—and people will scold me at home for voting against it—if I have not sense and courage enough to do it now, I wish to ask you how at the end of eight years you will stop doing it? You are beginning a system of distribution of surplus revenue to conduct within a State that which the States know they ought to do, that which they always have done, that which they are perfectly willing to do according to the best of their ability. You are by this bill beginning to teach them to go to the General Government when they feel a little unable to perform an obvious duty.

It is proposed to give to my State \$31,000 for this purpose. We are behaving as if we had found some money somewhere that did not come by taxation; some that we were at liberty to spend in a general way, as if your wife should say, "Having inherited a thousand dollars from a kind uncle, now I will have a sealskin coat." But this money all came from taxation; it all came from the pockets of the people; it came for definite constitutional purposes. I lament that there is such a surplus. This is not the first error into which we shall be drawn by having \$100,000,000 to spare. I wish we had not one dollar over the necessities of the Government and the sinking fund. We are embarking on a course that has nothing in my opinion but danger in the future to the best interests of the States.

Mr. MAXEY. Mr. President, the Senator from Indiana inquired about certain States having a certain percentage of illiteracy taking this money to be distributed among the higher grades of schools above common schools, and said for that reason that it would derange the common-school system to distribute it among them.

The objection I have to this bill from beginning to end is that whenever the United States goes inside a State to distribute funds there, it deranges their whole school system. You paralyze the energies of the people of the State which uphold and maintain the school system. You teach them to rely upon the Federal Government to support their schools, and when the eight years have passed away you have demoralized the people on the question of common schools, you will have a great system of common schools built up by what is called the munificence of the Federal Government, and your people in the States will have been taught not to rely upon themselves by taxation to support that system.

In the end you will injure the school system in every State. Let every State rely upon its own energies; upon its own manhood; upon its own resources, and you will do what the South is now doing, build up a common-school system. Let them alone, and at the end of these eight years, let alone, they will have a better common-school system than they will have if you give this \$77,000,000 out of the Treasury of this Federal Government, and at the end of eight years you will have the children educated by the action of the people, by their exertion, by their own will, and by the effects they see from that exertion. You will have a common-school system going onward and upward, just like in Massachusetts, when they began in a small way fifty years ago; they started, and they have gone on step by step until they have a magnificent system. Let the States alone, and they will have that system.

Sir, I believe that it is demoralizing to a State for this Government to come in and help her people who are not helpless. I do not agree even with those gentlemen who believe their States need helping. The way to make a man worth help is to let him always rely upon himself and not upon others. The way to make a people independent—and the independence of a people is the jewel of a State—is for them to rely on themselves. Manhood is of the essence of success in private affairs. The manhood of the people of a State is the success of the State. Let us rely upon ourselves.

For this reason I am opposed to the whole system from beginning to end. I do not want this money distributed among the States, because I believe it will do more harm than good.

Mr. BLAIR. This section is not of any particular consequence. It is not worth fussing about. I hope it will be stricken out. I trust there will be no more time wasted upon it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois [Mr. LOGAN] to strike out the twelfth section of the bill.

The amendment was agreed to.

Mr. SHERMAN. I desire to offer an amendment that I introduced early in the debate, to come in at the end of the second section.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to add at the end of section 2:

And the sum so paid shall be apportioned among the several counties, cities, towns, parishes, and townships of each State or Territory, and, when practicable, among school districts, as defined by this act, in the proportions that the number of persons in such corporations, who being of the age of 10 years and over can not write, bears to the number of such persons in such State or Territory according to the census of 1880.

Mr. SHERMAN. Mr. President, section 2 of this bill makes an apportionment among the States of \$77,000,000 according to illiteracy, or, to use another phrase, the phrase used in the bill, according to the number of persons in the different States that can not write. This rule of apportionment is a just rule under the circumstances, because the evil we are seeking to redress is the degree of illiteracy which grew out of the existence of slavery in the Southern States. The rule, therefore, of apportionment is correct.

The evil to be removed is the ignorance that prevails, especially among the great mass of the negroes that have been freed by emancipation, and therefore I am very willing to see this distribution made, although the State which I represent receives practically nothing from this appropriation—I think \$100,000 out of \$7,000,000—and I do not care whether it receives anything or not.

This money is to be divided among the States according to illiteracy. All that I desire, the only amendment I intend to propose to this bill and the only one I care to see enacted to carry out the idea of its distribution, is that this money shall be divided by the States according to the same rule of illiteracy. I wish to prescribe no other, and I do not see how any State or the people of any State can take offense or find fault with this rule of distribution. The money is given to them to enable the States to educate ignorant people in their limits, to remove to a certain extent the cloud of illiteracy that prevails in those States. The rule of justice that gives them so large a portion of this fund, nearly three-fourths, that gives them \$11,600,000 out of \$15,000,000, that rule which gives them this enormous disproportion according to population ought to be applied also in the distribution of this money among the people of the States according to their geographical divisions.

Now let me illustrate: In the valley of the Shenandoah, as beautiful a country as the sun shines upon, there is a rich people who cultivate a productive soil, where the degree of illiteracy does not exceed 8 or 10 per cent. In other portions of Virginia, as in the Petersburg region, there is an illiteracy that approaches 50 or 60 per cent. So while with 5,000 school children living in the valley of the Shenandoah there would be among them according to the tables furnished to us now about six hundred illiterate people who can not write, in the region about Petersburg there would be among 5,000 people over 3,000 that can not read and write.

Mr. MAXEY. Will the Senator yield to me?

Mr. SHERMAN. No; I have but five minutes.

Mr. MAXEY. I was only going to call the attention of the Senator to one point where he is mistaken.

Mr. SHERMAN. I will hear the Senator; he says I am mistaken.

Mr. MAXEY. That would derange the entire system of distribution in the States, which is on the number of children within the scholastic age.

Mr. SHERMAN. That is precisely what I want to do. I desire to make this distribution depend upon the illiteracy of the different portions of the State; and, to carry out my illustration, is it right to give to 5,000 school children in the valley of the Shenandoah the same amount of money to aid in educating six hundred illiterate people as you would give to the region about Petersburg, where the same number of school children have among them more than 3,000 illiterate people, or five times as many? There is the principle.

I think there is no difficulty under the census of 1880 in dividing this money among the different counties or cities, and if you please among the school districts, according to the number of people to be taught there, among the people to be educated, and those communities ought to have this money in proportion to their illiteracy. To require of the people of the Petersburg region, for instance—I merely give that as an example—to educate 3,000 illiterate children in a neighborhood with the same money which would educate six hundred in the valley of the Shenandoah would be an act of injustice, and the same irregularity exists elsewhere. There are in many of the Southern States large portions of intelligent educated population. I am told that in some of the cities of the Southern States the degree of illiteracy falls clear down, so that it probably would not exceed 10 or 12 per cent., while in other portions, perhaps in Mississippi and some other places, the illiteracy rises to as high as 70 per cent. Now, if you are to deal with this question as a practical evil you must divide this money and apportion it among the illiterates of the South, and not by a general rule of distribution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. Mr. President—

Mr. SHERMAN. I will submit a *pro forma* amendment, because I do not wish to speak again.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. HARRIS. I should like to ask the Senator from Ohio if I understand his amendment, supposing from hearing it read and from the

remarks he has submitted that he proposes that this appropriation shall be followed by Federal authority not only to the States but to each and every county of the State, and from the county to every school district in the State and determine its distribution as between the school districts of the county. Is that the effect of the amendment?

Mr. SHERMAN. You invite me to answer a question, but I will not violate the rule. I will move to strike out—

Mr. HARRIS. The Senator can answer in my time.

Mr. SHERMAN. I know that; but I move to strike out the last word in my amendment.

I answer then the Senator from Tennessee frankly no. This money ought to be expended by the State authorities. We can not, nor do I desire to, enter any State of this Union and expend this money. It must be done under the State authority by school teachers selected in the State, in school-houses established in the State, under the terms of this bill.

Mr. HARRIS. Will the Senator allow me to ask if that State authority is to be controlled by the language of his amendment in the method of distributing this fund as between the school districts of the various counties of the various States?

Mr. SHERMAN. I answer, not in the slightest degree; but we can say where our money shall be expended. We may say where that money shall be apportioned. So, by the same rule that this money is paid to the States, we may say that it may be apportioned in that way, and when so apportioned it is left to the will of the State and to the people of the State, the Legislature of the State, to say how that money shall be expended.

Mr. HARRIS. Will the Senator pardon me again?

Mr. SHERMAN. Certainly.

Mr. HARRIS. Does not his explanation mean exactly what I implied in my first question?

Mr. SHERMAN. I think not.

Mr. HARRIS. That his amendment controls the distribution of this fund not only as between the various counties in the State, but as between the various school districts in a county?

Mr. SHERMAN. The Senator asked me a moment ago as to the method of expenditure.

Mr. HARRIS. On the contrary, I undertook to ask, and thought I did ask, the Senator the same question that I now ask him.

Mr. SHERMAN. Now, I will answer that this does nothing whatever except to apportion this money among the geographical divisions of the State, leaving to the State authorities the mode, method, manner, and means of expending the money; and it is perfectly just. You receive this money from the Government of the United States upon a certain rule of apportionment, which gives you an enormously larger sum than you would receive on the basis of population.

Mr. BUTLER. May I ask the Senator would not the duties of the State officials then be purely and simply ministerial under this amendment?

Mr. SHERMAN. On the contrary, the duties of the State officials are absolute in the direction and control of this money. The money must be expended in the portions of the State provided for by this distribution just as it is to be distributed among the States, and it leaves the State authorities the same absolute control over the expenditure and administration of this money. Has not the United States, if it has the power to grant this money at all, the right to say where it shall be expended? Clearly so; and it seems to me that this forms a rule that would relieve the evil that is now complained of, the evil of illiteracy.

Even then I believe the fund here proposed to be distributed will be ample in counties and portions where there is a great amount of illiteracy. The fund given by the National Government would enable them to establish more schools and give greater facilities, while in other more favored regions where this degree of illiteracy does not prevail there would be a less fund to be distributed within that geographical region.

Mr. MILLER, of California. Allow me to ask the Senator a question. Does he establish the basis of illiteracy on the children of school age or take the illiteracy of all the people?

Mr. SHERMAN. I would prefer to take the rule of distribution according to the illiteracy of children; but I take the same rule that is provided for the distribution of the money among the States under the bill, so that the same rule of distribution would be applied to geographical divisions, taking the census of 1880 as a guide, and that is the only guide in both cases, taking the same rule precisely. It is to be applied in the distribution of this money among the geographical portions of the different States as it is applied when they receive the money from the national Treasury. The more I have thought of this matter, over and over again, I see no practical difficulty in the way.

The table and amount of apportionment will be furnished by the Secretary of the Interior under the language of this bill, and then the States receive this money just as fully and absolutely as they would receive it under the bill as it now stands, only, however, that it is imposed upon the State as one of the conditions of this grant that it shall distribute this money according to illiteracy, giving greater facilities where there are more to be taught and less school facilities where there are less to be taught, and not giving, as in the case I put a moment ago, the same amount of money to educate six hundred illiterate children in the



Shenandoah Valley as you would give to educate thirty-four hundred in the region around Petersburg, in what is called the Black Belt.

That is all there is in this amendment. I have thought of it in every possible aspect that can present itself to my mind. It seems to me just and fair. And I believe it will remove much of the difficulty in the minds of many Senators here in regard to this bill, and does not in any sense encroach on the rights or powers of the States.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. RIDDLEBERGER. Mr. President, if this bill is anything it is an educational bill, and I should like to have eliminated from it on one side or the other of both sides of this Chamber the whole question of race and color, and let us understand that this money is going to be appropriated, if at all, for the education of the children of this country. We have settled all the preliminary questions, chief among which was the power of this Government under the Constitution to make this appropriation.

Now, the question which the Senator from Ohio raises would be answered back at once from the State of Virginia that if you appropriate this money in this discriminating way, by counties and by school districts, if you please, so as to give a certain section of that State more of it than you give to another because there is more illiteracy there, you encroach on the State's province. Has it ever occurred to the Senator from Ohio that that rich Shenandoah Valley of which he speaks has to contribute a much larger proportion of the State school fund than the south side section, and yet our State distributes it equally among all those people.

There is the answer to the proposition. If the State of Virginia is expected to distribute this school fund equally without regard to who pays it or who gets the advantage of it, why should we stand here and attempt to discriminate in that way?

That, sir, is the answer to it all, and that would make it so unpopular that a school system of this kind would not live a year. I want a system and I want it so popular as that it will outlive me, but if you start it in the way the Senator from Ohio proposes it will not live a year.

Can we not eliminate the question of race and color, the question of sections, and not seek to narrow it down to sections of country or sections of State? If we are for a system of free and general education and this Government has money to give to that purpose, and has the constitutional right to give it, let us give it, give it at once, give it promptly, not stintingly or hesitatingly.

I undertake to say further that if you will read the amendment of the Senator from Ohio and if the Senator will read it again himself he would not undertake to answer a bill in chancery, for he says "as far as practicable." The language, if I heard the amendment aright, is "as far as practicable;" and I undertake to say that that is not the kind of language to be used in drawing a great bill like this, where it is to undergo construction perhaps by the courts. I think the amendment itself is much more impracticable than the law would be if the amendment were ingrafted upon it. I hope it will be the pleasure of the Senate to vote down such an amendment as that, and let this fund be distributed without regard to race or color, for the free and general education of all the children of all the States; and unless we do that we shall have done nothing when we have passed this bill.

Mr. WILLIAMS. Mr. President, I hope this amendment will not be adopted, and I do not believe it will be. It is not only impracticable to carry its provisions out in the counties and school districts of the counties, but in my judgment it is utterly destructive of the bill itself. It proposes that the States shall receive this money on the basis of the illiteracy of those States, and that they shall distribute the fund in the counties and school districts according to the degree of illiteracy. How is it possible for a State to ascertain that? The only possible way for the States to distribute the money is to distribute it among the children that are in attendance on the schools, for every child that goes to school can in two or three weeks learn his alphabet.

You would have then in one district degrees of illiteracy which it would be impossible for any school superintendent on earth ever to comprehend. You would have one class that had got in their a, b, c's, and another class that had progressed as far as "baker," and you might have another district that had got to addition. Who is going to make this calculation? You will have to take a census in every county and school district in the State in order to ascertain the degree of illiteracy and the proportion that each school district would be entitled to of the fund that fell to the State in the general distribution. It is impracticable. It is the most ridiculous mode I ever saw for the distribution of a fund for any purpose on earth.

Mr. SHERMAN. Allow me to say to my friend that the rule is the census of 1880, the same rule by which the distribution is made among the States. It is not a changeable rule at all, but the rule of 1880 extends to the counties as it does to the States. There is no practical difficulty in the way.

Mr. WILLIAMS. But then the object of distributing this fund is to educate the children, and the States are the best judges. If you intend that they shall manage it, let them manage it; if you intend that the Federal Government shall manage it, say so; but do not make this

a condition. The States are well enough disposed to this whole matter. It is abundantly proved before the Senate from the highest educational authorities of this country that no people is more willing to elevate the negro than the people of the South; but this proposition is impracticable and can not be carried out.

Mr. BLAIR. Just one moment. I have quite a number of pages of memoranda which I have had taken from the minutes of the census, showing that the enumeration districts oftentimes included counties, sometimes part of one county and part of another. In short, the census was so taken that it is utterly impracticable to ascertain the illiteracy by counties, and therefore the basis of distribution which the Senator from Ohio speaks of would utterly fail.

So far as the bill itself is concerned it provides that the distribution shall be made in such a way as to equalize the money that goes to each child per capita throughout the State. This fund goes in with the funds of the State, and both making one aggregate, are so distributed as to produce an equalization of school privileges throughout the State. I do not think that anything could be more just, and this amendment certainly would practically defeat the bill.

Mr. CALL. The best reply that can be made to the amendment proposed by the Senator from Ohio, which is intended as an impeachment of the good faith and the capacity of the States to make this distribution as may be required for the interest of the illiterate people, is to be found in a statement which I have from the superintendent of schools in Florida showing the distribution and the taxation for school purposes in that State. It is as follows:

Statistics do show that some, if not all, Southern States raise much more money for educational purposes in proportion to their assessed values than some of the most prosperous of the Northern States, and the newspaper press has not neglected to assert the fact, and in support of it we give certain figures in the case of Florida as compared with eight States, fairly representing the area of Northern territory from Maine to Kansas:

	School receipts.	Assessed valuation.	Population.
Kansas.....	\$1,740,593	\$170,813,375	996,096
Rhode Island.....	582,965	258,522,198	278,531
New York.....	10,895,765	2,679,139,133	5,082,371
Maine.....	1,089,414	235,978,716	648,936
New Jersey.....	1,914,447	527,451,222	1,131,116
Michigan.....	3,772,321	810,000,000	1,636,937
Indiana.....	4,480,306	720,944,231	1,978,301
Minnesota.....	1,679,297	258,055,543	780,773
Total.....	26,165,108	5,660,904,416	12,531,561

A statement of expenditures per capita of school children in the eight States, obtained from the report of the Secretary of the Interior, volume 4 of Messages and Documents, 1881 and 1882, shows these figures: Kansas, \$4.68; New York, \$6.57; New Jersey, \$5.22; Rhode Island, \$9.16; Maine, \$4.61; Indiana, \$5.30; Minnesota, \$4.13; Michigan, \$5.27. Florida (obtained from the official reports of the comptroller and treasurer of the State of Florida for the year 1883, \$3.54 per capita of school children.

The assessed value of property in the eight States given amounts to about \$444.78 for each person (using the figures given in the census for 1880 for ascertaining the population), and the average expenditures in the same States for each child of school age is \$5.67. The assessed value of property in Florida will average to each person about \$205.20 (using the census figures of 1880 for population), and the average expenditure as above given for each child of school age is \$3.54. The census figures are adopted to find the population of Florida, and the property valuation is from State assessment of 1883, which is nearly double that of 1880, and allows the figures to show much more to the advantage of the eight States in the following comparative results: \$444 per capita; \$5.67 average expenditure for each child in the eight States; per cent, 1.217. \$205 per capita; \$3.54 average expenditure each child in Florida; per cent, 1.727.

The permanent investment of school fund increased from \$250,284.25 in 1882 (the accumulations of thirty-seven years from March, 1845) to \$429,984.25 in 1884—an increase of \$178,700 in two years, being nearly 75 per cent. increase. We add the following summary of the State educational finances, as given us by State Treasurer L'Engle:

Amount raised for school purposes in Florida:  
General school tax raised by the State..... \$55,297 30  
County school tax raised by the counties..... 169,543 72

Total raised by taxation..... 224,841 02  
Add interest upon the permanent investment for educational funds.. 37,507 00

Aggregate school receipts..... 262,347 72

From this statement it will be seen that in the eight States mentioned—Kansas, Rhode Island, New York, Maine, New Jersey, Michigan, Indiana, and Minnesota—the per capita valuation of property from the reports of the census is \$444, the average school expenditure \$5.67 for each child in those eight States, the per cent. being 1.217. In Florida the per capita is \$205 of property, \$3.54 is the average expenditure for each child in the State, and the per cent. is 1.727, exceeding that of these eight States, which is equally distributed to every colored and white child according to the degree of illiteracy throughout that State, impartially and without any kind of distinction—a taxation greater than that according to the per capita valuation of property in the eight States which I have named.

Now, I ask the Senator from Ohio, in all fairness, why impeach the good faith and the capacity of these States to make the distribution of the fund given by the Government, as they have cared for the fund raised by this very onerous taxation upon themselves?

Mr. GEORGE. Mr. President, there is one consideration to which I

desire to call the attention of the Senator from Ohio and the Senate. The amendment, as I understand it, proposes that the money appropriated by this bill shall be distributed in each school district according to the number of illiterates in each.

The object of this bill is to equalize school privileges throughout the States. These conditions occur in many of the Southern States—they do not occur in Ohio; there are sparsely settled districts in which there are a few children, living so far apart that a school of over ten or twelve scholars can hardly be got together. The land is poor and the people are poor. If this money is distributed according to the amendment of the Senator, the children in these poor districts, living so far apart, being obliged to attend the schools at which there are so few scholars, the schools in those districts would receive such a small proportion of the money distributed that it would do no appreciable good.

In one of these districts, and there are plenty of them in the South, there are not more than ten or fifteen children who can be got together near enough to go to a single school. If you distribute the fund per capita to these it would produce so little that enough money could not be raised to get a competent teacher. Then, again, there would be a larger amount of illiteracy owing to the larger population in a rich school district, and that illiteracy would result, not from an inability in that district to furnish the means to have schools, but from an indisposition on the part of children or their parents to go to the school, and the result would be that you would deprive the children of these poor and sparsely settled districts of any means of education, and you would pile up unnecessarily in the rich districts, thickly populated, an amount of money not needed by them, and which could not be used, because the children would not go to school or their parents would not send them.

The bill requires enough already.

In the eleventh section it is provided that the money shall be so used "as to provide, as near as may be, for the equalization of school privileges to all the children of the school age." Let us observe that rule—and that is the soul of this bill—to educate everybody. It is not that each individual shall get from the bill an equal amount. He may not need it; the locality in which he lives may furnish all the means needed, while the locality in another place would not be able to do it. I think the amendment of the Senator from Ohio would result in destroying the equality provided in the eleventh section of the bill.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his *pro forma* amendment?

Mr. SHERMAN. Yes, sir.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Ohio as an amendment to section 2.

Mr. SHERMAN. On that I should like to have the yeas and nays. The yeas and nays were ordered.

Mr. MORGAN. I have noticed on page 10, section 13, of this bill the following language as the bill has been amended by the Senate:

The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

Mr. HARRISON. That amendment has not been acted on or proposed yet. I shall propose it when we get to it.

Mr. SHERMAN. I have not withdrawn any amendment except the *pro forma* amendment which I moved.

Mr. MORGAN. I know. Will the Senator from Indiana allow me to ask him whether this amendment has been adopted by the caucus?

Mr. HARRISON. It has not been acted on.

Mr. MORGAN. By the caucus?

Mr. HARRISON. I should not like to disclose to the Senator what took place in the caucus.

Mr. MORGAN. You would not?

Mr. HARRISON. No, I would not feel at liberty to do that. I have only to say to the Senator that we had better success in the way of harmony in the caucus we had here than the Senator's friends had at the other end of the Capitol.

Mr. MORGAN. Because you had more unity of purpose.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the motion of the Senator from Ohio to add to the second section.

Mr. MORGAN. I am speaking to that, rather in an indirect way; but still I am speaking to that amendment. I thought it was a legitimate inquiry to enter upon whether or not this part of the bill which I find in section 13 was dictated by the caucus. If that part of the amendment can get in, which I suppose the Senator from Ohio contemplates will be the fact, because a caucus has acted upon it, and nobody denies that, then I think I discover the reason why the Senator from Ohio is so desirous of having this in here. It gives him an opportunity of having some more investigations.

Instead of being confined to States and trying them here at the bar of the Senate, he can go into districts and counties, and instead of having two investigations pending here have two hundred after this bill shall have been adopted and after we shall have entered it upon the laws of this land. Look at the opportunity here that will be furnished for these political investigations:

The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

As the bill proposed, that is confined to States, State by State. As the Senator from Ohio proposes to amend it, it will extend to districts and counties and neighborhoods, and he can fix the place; he can go to this delectable point about Petersburg, where he says illiteracy is so great, though Virginia seems to have had some of her most notable statesmen to represent her from Petersburg. I was astonished to hear the complaint the Senator from Ohio made against that neighborhood and that district.

I am persuaded that the Senator from Ohio is at heart as much opposed to this bill as I am, and I gather it from the fact that he is attempting to put upon this bill a set of amendments which, if they succeed, if they are incorporated into the bill, will result in putting the bill in such an attitude before the Senate and before the country as that nobody can propose to vote for it.

I think I can not be mistaken upon this proposition. The Senator from Ohio is rarely mistaken in any view that he takes of a public question. He looks far into the future, far down into the recesses of that which lies beyond; and here he proposes in connection with his amendment to have the Senate of the United States giving for the next ten years to come, and perhaps twenty, or at least as long as the Republican party has a hope or expectation of maintaining control of this Government, an opportunity of having investigation after investigation into questions of whether there will have been some misappropriations or discriminations made in the neighborhoods about in the different States in the Union.

When the Senator's amendment comes to be tested by this part of the bill which the caucus has recommended, and which I suppose it is required shall be adopted, I think I see a very great difficulty in the adoption of the amendment and also of the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I would vote "nay" if he were here.

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. I should vote "nay" were he present.

Mr. JONES, of Florida (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I am against the amendment.

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired with the Senator from Kansas [Mr. PLUMB]. My colleague, if present, would vote "nay."

Mr. LAMAR. On consultation with the Senator from New Hampshire [Mr. BLAIRE], I learn that the Senator from New Jersey [Mr. MCPHERSON] would vote "nay" if present, and therefore I vote "nay."

Mr. CAMDEN. I wish to announce that I am paired with the Senator from Kansas [Mr. INGALLS] on the bill itself, but I understand that the pair does not extend to the amendments.

The result was announced—yeas 7, nay 35; as follows:

#### YEAS—7.

Conger, Dolph,	Edmunds, Manderson,	Miller of Cal., Platt,	Sherman.
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#### NAYS—35.

Bayard, Blair, Brown, Butler, Call, Camden, Cameron of Wis., Coke, Colquitt,	Cullom, Dawes, Frye, Garland, George, Groome, Harris, Harrison, Hawley,	Jackson, Jonas, Kenna, Lamar, Logan, Maxey, Miller of N. Y., Morgan, Morrill,	Pendleton, Pike, Pugh, Ransom, Riddleberger, Saulsbury, Williams, Wilson.
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#### ABSENT—34.

Aldrich, Allison, Anthony, Beck, Bowen, Cameron of Pa., Cockrell, Fair, Farley,	Gibson, Gorman, Hale, Hampton, Hill, Hoar, Ingalls, Jones of Florida, Jones of Nevada, Sawyer,	Lapham, McMillan, McPherson, Mabone, Mitchell, Palmer, Plumb, Sabin, Sawyer,	Sewell, Slater, Vance, Van Wyck, Vest, Voorhees, Walker.
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So the amendment was rejected.

Mr. HARRISON. I now move to amend section 13 by striking out down to and including the word "governor," in the third line, and inserting what I send to the Chair. I said to the Senator from Alabama when he called attention to this language that I intended to propose a modification of it before it was voted upon. The Secretary will take this modification as I suggest it:

That no second or other allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior, &c.



I propose to strike out the words "on or before the 30th day of June of each year," because it is an arbitrary date, and it might be that the report might come in afterward. It is simply to make the condition that this report shall be made first before the allotment is made—I think it is better—so that the section will read:

That no second or other allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him, &c.

As the bill runs now.

The PRESIDING OFFICER. The Senator from Indiana moves to amend the thirteenth section. The Secretary will report the amendment.

The CHIEF CLERK. In section 13 it is moved to strike out the following words:

That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor.

And to insert in lieu thereof:

That no second or other allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him.

Mr. HARRISON. The Senator from Massachusetts suggests that instead of "second or other," it should be "second or later," so as distinctly to exclude the first.

The PRESIDING OFFICER. Does the Senator modify the amendment?

Mr. HARRISON. I will substitute the word "later" for "other."

Mr. HOAR. Say "subsequent."

Mr. HARRISON. Very well; say "second or subsequent allotment."

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment was agreed to.

Mr. HARRISON. I do not know whether the amendment as acted upon includes the striking out of the words "on or before the 30th day of June of each year." I inquire whether the question was taken on that also?

The PRESIDING OFFICER. It has not been taken on that.

Mr. HARRISON. Then I move to strike out those words.

The PRESIDING OFFICER. The Senator from Indiana moves to amend section 13 further, by striking out the words "on or before the 30th day of June of each year," in line 4.

The amendment was agreed to.

Mr. HARRISON. Now, in line 10 of the same section, I move to strike out the words "section 4 of."

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, at the end of this section I move to insert what is in the hands of the Secretary.

The PRESIDING OFFICER. The Senator from Indiana moves to amend the section further. The amendment will be read.

The CHIEF CLERK. In line 37 of section 13, after the word "herein," it is proposed to insert:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

Mr. BUTLER. Now, Mr. President, I want to read that amendment as it has been amended. I want it to go in the RECORD. I do not remember the exact language of the amendment which has been adopted, and so I shall begin after the words "each year," on line 5:

File with the Secretary of the Interior a statement, certified by him—

That is the governor.

The PRESIDING OFFICER. The amendment as agreed to at the beginning of section 13 will be read if there be no objection.

Mr. BUTLER. I shall be glad to have it done.

Mr. MORGAN. Let the whole section be read.

The Chief Clerk read as follows:

Sec. 13. That no second or later allotment shall be made under this act to any State or Territory unless the governor of such State shall first file with the Secretary of the Interior a statement—

Mr. HARRISON. The Chair will allow me. I desire to correct a clerical error. The word "later" was changed to "subsequent"—"second or subsequent."

The PRESIDING OFFICER. The Chair recollects that the change was made. The word "subsequent" will be inserted.

Mr. BUTLER. Now I ask the Secretary to read the rest of the section.

The PRESIDING OFFICER (Mr. PLATT in the chair). The residue of the section will be read, if there be no objection.

The Chief Clerk continued the reading, as follows:

a statement certified by him, giving a detailed account of the payments or disbursement made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or

Territory as required by section 8 of this act, and also of the number of public, common, and industrial schools; the number of teachers employed, the total number of children taught during the year and in what branches instructed, the average daily attendance, and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district, and such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds or any part thereof received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified it shall not be deemed a failure to comply with the conditions herein.

The PRESIDING OFFICER. The amendment will now be read.

The Chief Clerk read as follows:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

The PRESIDING OFFICER. The question is on this amendment.

Mr. BUTLER. I want to call attention to that portion of the section which follows line 20:

And such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require.

The amendment has the *imprimatur* of the caucus upon it, evidently, and I suppose it will be gulped and swallowed without any grimace or hesitation by our friends on this side, having been passed on by the caucus. I want to call the attention of the Senate, however, to its provisions:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior—

Not Congress; no other power, no other authority, but the Secretary of the Interior—

Shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

I think that might have been followed by an amendment: "whereupon Congress shall appoint a committee of investigation to proceed to such portions of the South as the Secretary of the Interior may suggest, and have a report made to Congress." I think that might as well have gone along on all fours with the amendment as far it has gone.

For one I can not vote for a measure that so thoroughly and completely emasculates the independence of the States and destroys the autonomy and self-respect of the respective Commonwealths. I have not stickled about State rights in this debate or any other. I do not propose to do so; but we have a written Constitution, and I have sworn to obey it; and while I shall not, as I said, stickle about strict construction or State rights, it does seem to me that that instrument is entitled to some respect at our hands; and if this bill with this amendment and this section does not completely destroy the self-respect and independence of the States of this Union, I do not see how the Senate could go to work to accomplish it.

Mr. GARLAND. I want to move an amendment on line 45 of section 13 in the amendment of the Senator from Indiana [Mr. HARRISON], to strike out the words "hear and examine" and insert in lieu thereof the word "receive." I do not object to the provision objected to by the Senator from South Carolina, for I think it is a proper enough safeguard for the Secretary of the Interior, who has charge of this matter throughout, to see that the law has been complied with. Indeed, that runs through everything in the relations of the General Government with the States. But when we give the Secretary of the Interior power to "hear and examine," that seems to put the power in the hands of the Secretary of the Interior to institute and organize a sort of court to arraign before its bar the officials of the States who have control of the management and disbursement of this fund.

I am very clearly of opinion that if that power is given the Supreme Court, on a contest, would hold it to be unconstitutional, because in the very early history of this Government, in the somewhat celebrated case of *Hepburn* in the second or third of Dallas, the judges on the circuit, Chief-Justice Jay being on circuit at the time, declined to exercise powers that Congress put upon them in the nature of commissioners, holding and stating the broad principle that these Departments of the Government were separate, and you could not delegate to one the powers of either of the others; you could not make a judge an executive officer, and you could not make an executive officer a judge. This attempts to do that.

Then I do not care to encounter a judicial combat about this matter or to incur any litigation in regard to it. It would be unseemly for

the Secretary of the Interior to send for persons and papers and make himself a kind of court to inquire into the distribution of this fund. I should have no objection to his receiving any complaint that might be made and turning it over for Congress in the exercise of its authority to see what should be done in the premises.

I do not think that on reflection the friends of this amendment will care to go so far as to say that the Secretary of the Interior shall be constituted a court to hear and examine questions of this character. In all these transactions as one of the executive officers of the Government he has to make his annual report through the President to Congress of all proceedings in his Department. That is well enough. Whatever complaint is made or whatever praise or credit in reference to the distribution of this fund is due I am perfectly willing he shall receive and turn over to Congress for its consideration, but I think in good faith the friends of this measure who have stood by it all along had better let these words go out and insert the word "receive."

Mr. HARRISON. The Senator from Arkansas seems to object that there is some judicial function conferred upon the Secretary of the Interior. I do not understand these terms so at all. It does authorize him to collect information. The amendment which the Senator from Arkansas proposes would simply make him the medium through which a petition or remonstrance or communication to Congress would come to us. It would not give him power to act on the information or to verify the statements made in it.

All that was intended by this provision was that if there was complaint made in any section of the country of an unjust discrimination in the use of this fund the Secretary of the Interior should receive that complaint, and that he should have some power to examine into the question whether the law was or was not in the particular case violated, and report his opinion or conclusion to Congress, to report not simply the complaint but any other information that came to him or that he was authorized by law to collect, just as all the Departments do, just as the Secretary of the Interior does with reference to the timber laws and various other laws the supervision of which is with him. He makes some inquiries with reference to them, and he reports the facts to Congress.

I do not think the amendment is subject to the criticism which the Senator from Arkansas makes, and I assure him that it was not intended to incorporate here anything that should be offensive to the true friends of the bill.

Mr. SAULSBURY. I should like to ask the Senator from Indiana a question. I understood him to say there was no judicial power conferred on the Secretary of the Interior. I see that he is authorized to do certain things on a misapplication of the fund, that the State or Territory so misapplying the money or failing to do certain other things shall forfeit the right to any subsequent apportionment. Now, I apprehend that somebody must determine whether there has been a failure. There must be some person to declare the forfeiture. Who is that person, I should like to ascertain from the Senator?

Mr. HARRISON. Ultimately Congress, of course; but if Congress has made an appropriation and has directed the Secretary of the Treasury to pay it out to certain descriptions of persons or to certain persons upon certain proof being made, the Secretary of the Treasury must judge whether a person applying is of the description of persons authorized to receive it, and he must judge whether the proof which the person makes is according to the law.

This feature runs through our appropriation bills. When we pass an appropriation bill, bills for private claims, pension claims, what do we do? We say that a person who has served in the Army and who has suffered a disability so and so shall receive a certain pension. Who settles the question whether he has or not? This same Secretary of the Interior decides. So in all patent matters.

Now, what we propose here is that when we appropriate money to be paid out to certain classes of States who have done so and so in their own legislation, we must primarily commit the question to the person who is to pay out the money or to certify it for payment by the Secretary of the Treasury; and, of course, when he reports to us what he has done it is all subject to the control of Congress. If we find that he has withheld an appropriation that ought to have been distributed, it is perfectly competent and perfectly easy for Congress to direct its distribution.

Mr. BUTLER. Suppose the governor of a State should be dissatisfied—

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. SAULSBURY] is yet entitled to the floor. He was speaking, and asked a question which was being answered in his time.

Mr. BUTLER. Will the Senator from Delaware yield to me for a minute?

Mr. SAULSBURY. Yes.

Mr. BUTLER. Suppose the governor of a State should be dissatisfied with the finding of the Secretary of the Interior, what showing would that governor of a State have for a hearing?

Mr. HARRISON. Just what I suggested. If there is a complaint made from any section of the Senator's State, if there is an unequal and an unfair distribution of this fund, if the statute has been violated in one feature and that complaint is made to the Secretary of the Interior,

undoubtedly if the governor chooses to present to him any statement showing that that allegation is false he will have opportunity to do it, and if he is dissatisfied with the action of the Secretary of the Interior, which as the disbursing officer he must take, he has only to lay the case before Congress and ask us to direct the appropriation notwithstanding.

Mr. BUTLER. This is the first time in this debate that I have heard the Secretary of the Interior called a disbursing officer. I do not understand that he handles a dollar of money.

Mr. HARRISON. I did not use the term accurately. He certifies for disbursement to the Secretary of the Treasury; he draws the requisition.

Mr. BUTLER. He does not disburse money.

Mr. HARRISON. The Senator's criticism is verbally correct, but not very important.

Mr. MORGAN. The bill provides in section 13:

And if any State or Territory \* \* \* shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided, &c.*

Now, there is a forfeiture. What is the meaning of a forfeiture in law? It means the destruction by some act of a right that has been granted depending upon a condition subsequent. In order to determine the forfeiture there must be some person who has judicial authority to ascertain its existence. A forfeiture relates to the surrender of a right, not to the surrender merely of a privilege or an expectation. In this bill it certainly relates to the surrender of a right, because the money has been appropriated and has been assigned to the State, and, therefore, the term "forfeited" applies to the surrender or the destruction of some right that has existed. In order that that forfeiture shall be made complete there must be some sort of judicial authority exercised to get it. It may be by a judge or it may be by some special officer designated by law to give effect to the forfeiture.

Now we proceed to ascertain from this bill, or the amendment proposed by the Senator from Indiana, who is the judge, who is the officer empowered by the bill for the law to declare and enforce by this forfeiture. It is declared in this language:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided.

The Secretary of the Interior may declare the forfeiture, or in the event he finds that ground does not exist for declaring the forfeiture he may go on and distribute the fund for another year, leaving the whole judicial power of ascertainment and determination, according to the very terms of the amendment and the terms of the bill, in the hands of the Secretary of the Interior. While this is the case, the Senator from Arkansas says, "True enough the Secretary of the Interior may declare the forfeiture, he may prevent the money from coming to the State on the second allotment or any subsequent allotment, but he must be allowed to hear but not examine any complaints of misappropriation," &c. That is a very fine softening of the subject. At the same time it does not affect the material merits of the question.

Why should we say to the Secretary of the Interior, who has the power to hear and the power to determine the forfeiture and the power to step in between the State and the money and to prevent a State from getting the second or subsequent installment of this appropriation, "you may hear any complaints of misappropriation or of any unjust discrimination but you must not examine into the same?" There is a very startling want of logic in that proposition, it occurs to my mind.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired.

Mr. MORGAN. That is all I desire to say, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. GARLAND] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. BLAIR. Let the question be stated again.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The CHIEF CLERK. In section 13, line 45, it is proposed to strike out the words "hear and examine" and insert in lieu thereof the word "receive;" so as to read:

The Secretary of the Interior shall have power to receive any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. MORGAN (when Mr. LAPHAM's name was called). The Senator from New York [Mr. LAPHAM] is paired with the Senator from California [Mr. FARLEY]. My pair has been transferred.

Mr. PLUMB (when Mr. VANCE's name was called). The Senator



from North Carolina [Mr. VANCE] and myself are paired on this proposition. If the Senator from North Carolina were present he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 23, nays 23; as follows:

## YEAS—23.

Bayard,	Colquitt,	Jackson,	Pike,
Brown,	Garland,	Jonas,	Pugh,
Butler,	George,	Kenna,	Ransom,
Call,	Gorman,	Maxey,	Saulsbury,
Camden,	Groome,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	

## NAYS—23.

Aldrich,	Dolph,	Logan,	Platt,
Blair,	Edmunds,	McMillan,	Riddleberger,
Cameron of Wis.,	Frye,	Manderson,	Sawyer,
Conger,	Harrison,	Miller of Cal.,	Sherman,
Cullom,	Hawley,	Miller of N. Y.,	Wilson.
Dawes,	Hoar,	Morrill,	

## ABSENT—30.

Allison,	Gibson,	Lapham,	Slater,
Anthony,	Hale,	McPherson,	Vance,
Beck,	Hampton,	Mahone,	Van Wyck,
Bowen,	Hill,	Mitchell,	Vest,
Cameron of Pa.,	Ingalls,	Palmer,	Voorhees,
Cockrell,	Jones of Florida,	Plumb,	Walker.
Fair,	Jones of Nevada,	Sabin,	
Farley,	Lamar,	Sewell,	

The PRESIDENT *pro tempore*. The Senate being equally divided, the motion is lost. The question recurs on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. JONES, of Florida, (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here I should vote "nay."

Mr. MORGAN (when Mr. LAPHAM's name was called). The Senator from New York [Mr. LAPHAM] is paired with the Senator from California [Mr. FARLEY].

The roll-call was concluded.

Mr. PLUMB. I am paired on this question with the Senator from North Carolina [Mr. VANCE].

Mr. CAMDEN (after having voted in the negative). I am paired with the Senator from Kansas [Mr. INGALLS]. I withdraw my vote.

Mr. ALLISON. I transfer my pair with the Senator from Missouri [Mr. COCKRELL] to the Senator from Colorado [Mr. HILL]. I vote "yea."

The result was announced—yeas 24, nays 22; as follows:

## YEAS—24.

Aldrich,	Dawes,	Hoar,	Morrill,
Allison,	Dolph,	Logan,	Platt,
Blair,	Edmunds,	McMillan,	Riddleberger,
Cameron of Wis.,	Frye,	Manderson,	Sawyer,
Conger,	Harrison,	Miller of Cal.,	Sherman,
Cullom,	Hawley,	Miller of N. Y.,	Wilson.

## NAYS—22.

Bayard,	Garland,	Jonas,	Pugh,
Brown,	George,	Kenna,	Ransom,
Butler,	Gorman,	Maxey,	Saulsbury,
Call,	Groome,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Colquitt,	Jackson,	Pike,	

## ABSENT—30.

Anthony,	Gibson,	Lapham,	Slater,
Beck,	Hale,	McPherson,	Vance,
Bowen,	Hampton,	Mahone,	Van Wyck,
Camden,	Hill,	Mitchell,	Vest,
Cameron of Pa.,	Ingalls,	Palmer,	Voorhees,
Cockrell,	Jones of Florida,	Plumb,	Walker.
Fair,	Jones of Nevada,	Sabin,	
Farley,	Lamar,	Sewell,	

So the amendment was agreed to.

Mr. HARRISON. In section 14, line 4, after the word "Territory," I move to strike out the words "or the District of Columbia;" so as to read:

Whether any State or Territory has forfeited its right to receive its apportionment, &c.

The amendment was agreed to.

Mr. HARRISON. In section 14, line 7, after the word "Territory," I move to strike out the words "and the District of Columbia;" so as to read:

And each State and Territory from which such apportionment shall be withheld, &c.

The amendment was agreed to.

Mr. HARRISON. I move to strike out all after the word "Congress" where it first occurs in section 14, line 10, being the following words:

And if the next Congress shall not direct such share to be paid, it shall be added to the general educational fund for distribution among the other States

and the Territories and District of Columbia which shall be entitled to the benefit of the provisions of this act.

The amendment was agreed to.

Mr. MORGAN. In section 14, line 7, after the word "forfeiture," I move to strike out the following words:

And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

I do not want my State, I will say, for one State, to be put into the attitude in this Government of taking an appeal from the decision of an inferior officer of the Government to the Congress of the United States. The idea that a State must come here in order to get her rights and take an appeal to the Congress of the United States is something that I think is rather beneath her dignity.

The Secretary of the Interior, when he is confirmed in his office, has to get the advice and consent of the Senators from that State in connection with the rest of the Senators representing as ambassadors other States in this Union, and I do not care to have him boosted up into that sort of dignity and authority in this Government as that my State has to take an appeal from his decision upon a matter of constitutional right belonging to her. Her dignity may have been trampled under foot, her people may not deserve in the opinion of other States the respect of communities which are organized as great constitutional governments in this land; but so far as I am concerned, my State at least enjoys my confidence and my honor and my esteem and my reverence to that degree that I shall never consent either to take an appeal for her from the Secretary of the Treasury or the Secretary of the Interior, or to sit in the Senate of the United States to hear such an appeal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. BROWN. I can not quite agree with my friend from Alabama on this amendment. My State is exactly in that attitude now. At the last session of Congress we passed a statute appropriating thirty-five thousand five hundred and some odd dollars to the State of Georgia, and the Comptroller of the Treasury has credited that to a debt which Georgia as a State does not owe, and I have had to appeal to Congress to relieve us from the decision of the Comptroller of the Treasury.

Mr. MORGAN. Will the Senator allow me to ask him whether he had to get the assistance of an act of Congress to take an appeal before he came here, or did he come as a Senator and introduce a bill?

Mr. BROWN. Of course I came and offered a bill, but I had to appeal from the decision.

Mr. MORGAN. No; there was no appeal in that case. An appeal humiliates a man when you require him to go from a superior to an inferior jurisdiction.

The PRESIDENT *pro tempore*. The Senator from Alabama has once spoken on this amendment.

Mr. MORGAN. I ask for the yeas and nays upon the amendment. The yeas and nays were ordered, and being taken resulted—yeas 6, nays 40; as follows:

## YEAS—6.

Butler,	Hawley,	Pendleton,	Saulsbury.
Camden,	Morgan,		

## NAYS—40.

Aldrich,	Dawes,	Jackson,	Morrill,
Bayard,	Dolph,	Jonas,	Pike,
Blair,	Edmunds,	Jones of Florida,	Platt,
Brown,	Frye,	Kenna,	Pugh,
Call,	Garland,	Logan,	Ransom,
Cameron of Wis.,	George,	McMillan,	Riddleberger,
Coke,	Groome,	Manderson,	Sawyer,
Colquitt,	Harris,	Maxey,	Sherman,
Conger,	Hoar,	Miller of Cal.,	Williams,
Cullom,		Miller of N. Y.,	Wilson.

## ABSENT—30.

Allison,	Gibson,	Lapham,	Slater,
Anthony,	Gorman,	McPherson,	Vance,
Beck,	Hale,	Mahone,	Van Wyck,
Bowen,	Hampton,	Mitchell,	Vest,
Cameron of Pa.,	Hill,	Palmer,	Voorhees,
Cockrell,	Ingalls,	Plumb,	Walker.
Fair,	Jones of Nevada,	Sabin,	
Farley,	Lamar,	Sewell,	

So the amendment was rejected.

Mr. HARRISON. In section 15, line 3, I move to strike out the words "and the District of Columbia" after the word "Territories," so as to read:

That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department.

The amendment was agreed to.

Mr. BLAIR. I move to amend the first section by adding at the close of the section as it now stands amended:

And the first-named sum of \$7,000,000 is hereby appropriated for the purposes of this act.

As the bill now stands it is simply an enactment that there shall be annually appropriated the sum specified.

Mr. ALLISON. I think I would let that go until after we get the bill through.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to amend section 1 by adding thereto what will be read by the Secretary.

The Chief Clerk read the amendment.

Mr. BLAIR. Upon consultation with the chairman of the Committee on Appropriations, who thinks it would be better to withdraw the amendment for the present, I will do so.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. PLATT. I move to amend by adding as an additional section what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add the following as an additional section:

Sec. —. That no portion of the money to be expended under the provisions of this act shall be expended or paid in any State in which the number of persons of 10 years of age and upward who can not write does not exceed 9 per cent. of the whole population thereof.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. PLATT. I do not know that I desire to say anything more upon the amendment than I have said upon the discussion of a former amendment, at least but little. I am, as I said, very much in favor of what I suppose to be the purpose and object of the bill. I shall bring myself to vote for the bill, however, with very great reluctance, if at all, if this amendment is not adopted. I desire to protest earnestly against any action of Congress which recognizes the doctrine of the distribution of the money from the Treasury of the United States among the States. I fear that this does.

One single other suggestion. The bill professes not to inaugurate the system of national aid for education as a permanent system. In section 8 as it stands I find these words:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided, &c.

I submit that the bill is entirely inconsistent if it extends this aid to States which do not need the money. At the end of the appropriations which are contemplated by the bill, no Senator supposes that the States in which illiteracy is the greatest will have such a perfected school system that there will be as small a percentage of illiteracy as in the States which under my amendment would not receive any of the benefits of this measure. If it is the theory of the bill that these appropriations shall stop at the end of eight years, or at furthest at the end of ten years, there is no argument upon which Congress can justify the extension of the bill to the States which have now a more perfect system of education and a less illiteracy than the States which have the greater portion of illiteracy will have at the time when these appropriations will cease.

It seems to me that if we are to extend this aid to all the States, it looks to a system of national education for all time, and I fear that such will be the case.

Mr. DOLPH. Mr. President, I shall vote for the amendment because it is in accordance with my views as expressed in the few remarks that I made on the bill at an early stage in the debate.

While I am on my feet I desire to say that on the 23d of last month I proposed certain amendments in order to have them printed, and in explanation of the reason why I do not offer them I will state that the amendment proposed by me, as I explained heretofore, was for the purpose of providing some supervision on the part of the General Government in the distribution of this fund. That having already been provided for in a more economical manner and probably just as effectively by conferring the right of supervision upon the Secretary of the Interior by the amendment offered by the Senator from Indiana [Mr. HARRISON], I shall not offer the amendment which I proposed and which was printed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 11, nays 34; as follows:

## YEAS—11.

Aldrich,	Edmunds,	McMillan,	Platt,
Butler,	Frye,	Miller of Cal.,	Sawyer.
Dolph,	Hawley,	Pendleton,	

## NAYS—34.

Bayard,	Cameron of Wis.,	Dawes,	Harrison,
Blair,	Coke,	Garland,	Hoar,
Brown,	Colquitt,	George,	Jackson,
Call,	Conger,	Groome,	Jonas,
Camden,	Cullom,	Harris,	Jones of Florida,

Kenna,  
Logan,  
Manderson,  
Maxey,

Miller of N. Y.,  
Morgan,  
Morrill,  
Pike,

Pugh,  
Ransom,  
Riddleberger,  
Sherman,

Williams,  
Wilson.

## ABSENT—31.

Allison,  
Anthony,  
Beck,  
Bowen,  
Cameron of Pa.,  
Cockrell,  
Fair,  
Farley,

Gibson,  
Gorman,  
Hale,  
Hampton,  
Hill,  
Ingalls,  
Jones of Nevada,  
Lamar,

Lapham,  
McPherson,  
Mahone,  
Mitchell,  
Palmer,  
Plumb,  
Sabin,  
Saulsbury,

Sewell,  
Slater,  
Vance,  
Van Wyck,  
Vest,  
Voorhees,  
Walker.

So the amendment was rejected.

Mr. BUTLER. Now that the amendments of the Republican caucus have been voted upon, I shall ask the privilege of introducing an amendment which I offered a day or two ago, but I expect—

Mr. HARRISON. May I ask the Senator whether he has secured the consent of his colleagues on that side to his amendment?

Mr. BUTLER. That was not at all necessary. I am not like my friend from Indiana, who has to secure the consent of a caucus before he can offer an amendment. I expect my amendment will have the fate of the amendment of the Senator from Connecticut [Mr. PLATT], as his amendment does not appear to have been through the crucible of a caucus. But I wish to see if our friends who are advocating the bill are willing to run their hands into the pockets of their constituencies and see if they will take out the money to pay this sum. ["No!" "No!" "No!" "Well, I want to test it."

The PRESIDENT *pro tempore*. The Senator from South Carolina proposes an amendment, which will be reported.

The CHIEF CLERK. It is proposed to add as an additional section the following:

Sec. —. That the money to be provided for in this act shall be raised by a direct tax to be levied annually upon each of the States of the United States, which shall be apportioned among the several States according to their respective numbers.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment just reported.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. HOAR. I desire to inquire of the Chair, as a matter of order, if that amendment is in order under the Constitution? It is a provision for a direct tax, and can such a measure be originated in the Senate?

The PRESIDENT *pro tempore*. That is a constitutional question, not a parliamentary one. The Chair thinks the amendment is in order as a parliamentary question. If the Chair were obliged to hold as a point of order that all unconstitutional provisions should be rejected by the Chair, the Chair might find himself much occupied.

Mr. HOAR. The Chair will pardon me. I desire to say that in all legislative bodies in this country, including this Congress, unless I am very much mistaken in my recollection, the constitutional right to originate a measure is ruled upon by the presiding officer as a question of order. I have heard it done several times in the House of Representatives. It is a question of order. It may be the Chair is quite right in ruling that he has no right to deal with it.

Mr. BUTLER. This is an appropriation bill originating in the Senate. The Senate has voted for it so far—

Mr. HOAR. If the Senator will pardon me for interrupting him—

Mr. BUTLER. Certainly.

Mr. HOAR. The Senator moves to change a bill which is not a general appropriation bill, although it contains a provision that money shall be appropriated, into a tax bill. That is the effect of this amendment.

Mr. BUTLER. It is an amendment to an appropriation bill.

Mr. HOAR. If the bill went down to the House the Speaker of the House would rule as a question of order as to its reception as a bill from the Senate containing this proposition.

The PRESIDENT *pro tempore*. The Chair thinks that that may be; that the House of Representatives might refuse to receive a bill which they thought the Senate had no right to originate; but the Chair adheres to its opinion that it is not within the province of the Chair to rule this amendment out of order on the ground that the Chair may think with the Senator from Massachusetts, that it is an unconstitutional provision. That the Senate must decide in voting for or against it.

Mr. HOAR. If the Chair will pardon me, that is a ruling on my question of order. The question which I raised is a question of order, not a constitutional question.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. DOLPH. I should like to inquire of the Senator from South Carolina whether in his amendment he has adopted the language of the Constitution?

Mr. BUTLER. I have adopted the language of the Constitution. That instrument has been so kicked and cuffed about in this body for the last week or ten days that I do not know whether there is anything left, but I thought I would adopt part of the language of that instrument. I have done so in terms; and I hope the Senate will not find fault with me for adopting the language of the Constitution, if we can not conform to it in our votes.

The PRESIDENT *pro tempore*. The question is on agreeing to the



amendment of the Senator from South Carolina [Mr. BUTLER], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE].

The roll-call having been concluded, the result was announced—yeas 6, nays 38; as follows:

YEAS—6.			
Butler, Coke,	Dolph, Harris,	Morgan,	Pendleton.
NAYS—38.			
Bayard, Blair, Brown, Call, Camden, Cameron of Wis., Colquitt, Conger, Cullom, Dawes,	Edmunds, Frye, Garland, George, Groome, Harrison, Hawley, Hoar, Jackson, Jonas,	Jones of Florida, Kenna, Logan, McMillan, Manderson, Maxey, Miller of Cal., Miller of N. Y., Morrill, Pike,	Platt, Pugh, Ransom, Riddleberger, Sawyer, Sherman, Williams, Wilson.
ABSENT—32.			
Aldrich, Allison, Anthony, Beck, Bowen, Cameron of Pa., Cockrell, Fair,	Farley, Gibson, Gorman, Hale, Hampton, Hill, Ingalls, Jones of Nevada,	Lamar, Lapham, McPherson, Mahone, Mitchell, Palmer, Plumb, Sabin,	Saulsbury, Sewell, Slater, Vance, Van Wyck, Vest, Voorhees, Walker.

So the amendment was rejected.

Mr. RANSOM. I beg leave to offer an amendment to the body of the bill. In section 13, line 20, after the word "school district," I move to strike out the words:

And such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. RANSOM. Mr. President, at this late hour I shall detain the Senate but a moment. I hope that the committee, especially its chairman in charge of the bill, will give me attention for a few seconds while I call attention to these words.

In this same section it is provided what shall be a forfeiture of this appropriation, and the words declaring that forfeiture are almost as general as the words which I propose to strike out.

Mr. BLAIR. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield?

Mr. RANSOM. Certainly I do, sir.

Mr. BLAIR. It is suggested by several Senators, as well as by the Senator from North Carolina, that there is no objection to those words being stricken out. The requirements are very specific and numerous, and perhaps there may be some objection, as the Senator suggests, to those words. I have no objection to their being stricken from the bill.

The question being put on the amendment, there were on a division—aye 23, noes 14; no quorum voting.

Mr. PENDLETON. Let the roll be called.

Mr. CAMERON, of Wisconsin, and others. Give it up.

The PRESIDENT *pro tempore*. The rule requires, when it appears there is no quorum—

Mr. RANSOM. Let us take another division.

Mr. CONGER. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are demanded by the Senator from Michigan.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 30, nays 14; as follows:

YEAS—30.			
Bayard, Blair, Brown, Call, Camden, Coke, Colquitt, Cullom,	Dolph, Edmunds, Garland, George, Groome, Hampton, Harris, Hoar,	Jackson, Jonas, Kenna, Lamar, Maxey, Miller of N. Y., Morgan, Pendleton,	Pike, Pugh, Ransom, Riddleberger, Sawyer, Williams.
NAYS—14.			
Butler, Cameron of Wis., Conger, Dawes,	Frye, Harrison, Hawley, Logan,	McMillan, Manderson, Miller of Cal., Morrill,	Platt, Wilson.
ABSENT—32.			
Aldrich, Allison, Anthony,	Beck, Bowen, Cameron of Pa.,	Cockrell, Fair, Farley,	Gibson, Gorman, Hale,

Hill,  
Ingalls,  
Jones of Florida,  
Jones of Nevada,  
Lapham,

McPherson,  
Mahone,  
Mitchell,  
Palmer,  
Plumb,

Sabin,  
Saulsbury,  
Sewell,  
Sherman,  
Slater,

Vance,  
Van Wyck,  
Vest,  
Voorhees,  
Walker.

So the amendment was agreed to.

Mr. MORGAN. I offer the following amendment as an additional section to the bill:

The fund provided in this act shall not be withheld from any State on account of the fact that its constitution forbids the expenditure of the principal sum of any money that may be appropriated by Congress for the purpose of public education.

I will explain that my purpose in offering the amendment is to get around a difficulty which the constitution of Alabama seems to interpose in regard to the Legislature accepting this fund in the form in which the bill tenders it. I will read it:

The principal of all funds arising from the sale or other disposition of lands or other property which has been or may hereafter be granted or intrusted to this State, or given by the United States for educational purposes, shall be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

I desire to protect the State of Alabama from any possible construction of this act by the officers of the United States Government upon which they would be induced to withhold the fund because they might suppose that under the constitutional provision Alabama would have no right to receive this and apply it to the purposes of education. Our Constitution requires that the principal sum of all moneys appropriated by the United States or of property received from the United States or the proceeds of the sales of all property received from the United States shall be set apart as a permanent fund and that the interest alone upon the fund shall be applied to the purpose of education.

This safeguard was put in the constitution of the State in order to prevent the Legislature from making any waste of funds arising from property donated by the Government of the United States for the purposes of education, in order, in other words, to get our State out of the trouble into which Florida seems to have fallen, which had 82,000 or 98,000 acres, I forget which, of public lands donated by an act of Congress, and a constitutional ordinance for the establishment of a university in that State, and nobody has ever yet heard of a Florida university. The lands are all gone or the scrip, or whatever it was, and the whole subject perished and the university is not there. Our State, when we got possession of the government recently, ordained in its last constitution that whatever of funds had arisen or might thereafter arise by donations from the Government of the United States, or by the sale of public lands or other property by appropriations from the Government of the United States in favor of education in our State, should be put into a permanent fund and should not be touched by the Legislature except for the purpose of education, and that only the interest of it or the proceeds of it should be so applied. This may stand in the way.

Mr. MILLER, of California. Does the Senator as a lawyer think that that clause would prevent the use of this money for school purposes as described in this act?

Mr. MORGAN. I think so, because the word "appropriation" is in it. If it was simply the proceeds of the sales of land donated to us, perhaps it would not; but the word "appropriation" is in this constitution. But my point is to prevent any officer of this Government from making the point upon Alabama that she is not entitled because of this provision of her constitution to receive it. It is a precautionary measure. It may not be necessary, but still it is an expression of the opinion of Congress.

Mr. MILLER, of California. This is appropriated not as a permanent school fund, but as a temporary aid to carry on common schools.

Mr. MORGAN. But these lands were not appropriated to establish a permanent school fund. We were not required to sell them or keep them. We had perfect authority to do as we thought proper, and so we applied them to schools.

Mr. LOGAN. I ask the Senator if that provision does not apply to appropriations made to the State of Alabama?

Mr. MORGAN. Yes, and this appropriation is one made to the State of Alabama.

Mr. LOGAN. No, sir; it is an appropriation to all the States together, an appropriation of so much money for school purposes for all the children of the United States. A portion of it is to be set apart for a certain purpose, to be used for the children of Alabama; but it is not an appropriation to the State of Alabama.

Mr. MORGAN. Nevertheless if there is a constitutional provision in any State that it should not receive any money from the Government of the United States, I presume you would have to get around that.

Mr. WILLIAMS. Allow me to ask a question for information, because I shall be governed by the Senator's opinion in this matter very much. I understand this to be a distribution among the States for a specific purpose. That purpose is to aid in the establishment of common schools. Now, does the Senator think the provisions of the constitution of the State of Alabama refer to general appropriation of public moneys to the States or to appropriations on the condition prescribed

in this bill? His opinion as a lawyer—for I have great confidence in it—may control my vote.

Mr. MORGAN. There never has been a general appropriation in the United States of land or money for educational purposes, except you might except the agricultural-scrip grant, which required that the Legislature should first receive by an act of the Legislature the donation from Congress before it could be effective.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. CALL. I do not propose to detain the Senate now, but only to say that the Senator from Alabama is mistaken in the reference he made to Florida. The lands appropriated formerly for a university there were in part divided between the seminaries of Florida, and they are doing very well upon that foundation. A portion of the lands were sold and the money invested in State bonds, and subsequent to the war, under a decree of the United States court, they were very improperly sold as part of the assets of a railroad corporation. I will not go further into that matter at present.

Mr. PUGH. I differ with my colleague as to the construction he places on the constitutional provision. I have no doubt that it applies to unconditional gifts or grants, and has no application whatever to this appropriation, and that is required to be expended annually by the States as one of the conditions of the appropriation. But I do not see that this amendment of his as an additional section can do any harm. It merely provides that it shall not be an objection to a State receiving its share of this appropriation that it has such a provision in its constitution as my colleague has read. It is perfectly harmless, but I differ with him as to the construction of that clause in our constitution.

Mr. LOGAN. I should like to ask the Senator if he thinks Congress can amend the constitution of a State?

Mr. PUGH. Oh, no.

Mr. LOGAN. Then what validity will there be in this amendment if we adopt it? No amendment we make here can affect it in the slightest degree.

Mr. PUGH. I do not think it would have any legal effect whatever.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The Chair will state that when the bill came up for consideration the Committee on Education and Labor reported one amendment to take the place of the original text. It was agreed by unanimous consent that that amendment should be treated as the text of the bill and open to amendment. The Chair is in doubt now whether there is more than one amendment reported from the Committee of the Whole, or whether the original amendment of the committee having been agreed to be treated as the text, all the amendments made to that are to be considered now open. The Chair is inclined to think that as the amendment has been made the text, the question now is on agreeing to the amendment made as in Committee of the Whole. Shall the question be taken on the entire amendment together or on its various clauses separately? ["All together!"]

Mr. MORGAN. I desire to have a separate vote upon the amendment I offered on page 10, section 14, line 9.

The PRESIDENT *pro tempore*. That amendment was disagreed to and is not now before the Senate.

Mr. MORGAN. Then I will offer it in the Senate.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. MORGAN. I now renew in the Senate the same amendment I offered a while ago in Committee of the Whole. Beginning on line 8 of section 14, I move to strike out:

And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. MORGAN. It is a matter of impossibility that the Secretary of the Interior or the Secretary of the Treasury or any other officer of this Government can make a final and conclusive decision against a State in relation to a matter of this kind, or indeed any matter that Congress can not rectify by its legislative action. There is no occasion for putting in here the words that an appeal shall be taken, and certainly we have no power as a Congress to give a right to a State to take an appeal from a decision made by an inferior officer of this Government.

When the States come here they do not come on appeal. It is no judicial tribunal that they come to on appeal. It is mere legislative action that they invoke. Suppose that this is stricken out; should I not have a right as a Senator from Alabama in the event that her allowance of money under this bill had been refused to her by the Secretary of the Interior to offer here a bill or joint resolution revoking his action or correcting it?

By putting these words into this bill we simply signify that we suppose the States of this country, because they receive some largess or

donation from Congress upon certain conditions, put themselves in an attitude that they must appeal or have the right derived from Congress to appeal from the decision of the Secretary of the Interior or of the Treasury, as the case may be, to this tribunal. I think that the Senate, on looking the subject over and finding that there is so little confidence in it, will hardly commit themselves deliberately to that enunciation of doctrine; but I want still to see whether they will do it or not.

Mr. HAWLEY. I hope that clause will be stricken out. I do not comprehend the reasons for keeping it in. The State can come here whether it is in or out of the bill, saying that notwithstanding the technical irregularities of the report of the governor the allowance should be made to the State; and if that be not so, I should like to see the form of the writ of error which the State would bring from the decision of the Secretary of the Interior to Congress.

Mr. HARRISON. I suppose that word "appeal" there is not used in the technical sense at all. It is a good deal as the Senator from Connecticut said. It simply means that the State may come to Congress. We all know a State may come without any affirmative expression of that kind in the bill.

Mr. HAWLEY. Then I would not put that condition in there.

Mr. HOAR. It is to show that it is not intended that the Secretary of the Interior shall be a final judge, that is all.

Mr. HAWLEY. He is not anyhow, and he can not be against a bill offered by any Senator.

Mr. HOAR. We do not wish to have it claimed "We refer to this officer the decision of all these questions, and you are concluded whether right or wrong; Congress will not trouble itself with it." The clause is intended simply to show that Congress reserves the right to act.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. HOAR. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment is to strike out the words which will be read.

The CHIEF CLERK. In section 14, line 7, after the word "forfeiture," it is proposed to strike out:

And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

The amendment was rejected.

Mr. LOGAN. I offer the following amendment as an additional section to the bill:

SEC. —. That there shall also be appropriated and set apart the sum of \$2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school-house fund, from which there shall be paid out annually to each State and Territory at the end of the year, until said sum of \$2,000,000 shall be exhausted, and no longer; which shall be expended for the erection and construction of school-houses for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education, Washington: *Provided, however,* That not more than \$100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

Mr. MILLER, of California. I would ask the Senator from Illinois to whom will these school-houses belong after they are built?

Mr. LOGAN. They will belong to the States, as a matter of course, or the township or district or proper authority of the State.

Mr. MILLER, of California. Does this provide for the purchase of sites?

Mr. LOGAN. No, sir; it does not provide for the purchase of any site, for the reason that that is unnecessary. The people of the district building the school-house will receive so much money to aid them for this purpose, the same as the aid to the schools.

Mr. CONGER. Are these houses to be built according to plans?

Mr. LOGAN. According to plans furnished by the Bureau of Education in Washington.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN's name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Kansas [Mr. INGALLS].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I am not voting on any of these amendments because of the pair I have had with the Senator from Maine [Mr. HALE] who is absent.

The result was announced—yeas 16, nays 25; as follows:

## YEAS—16.

Blair,  
Brown,  
Butler,  
Call,

Colquitt,  
Edmunds,  
George,  
Hawley,

Hoar,  
Jackson,  
Jonas,  
Kenna,

Logan,  
Pike,  
Ransom,  
Wilson.



## NAYS—25.

Bayard,	Frye,	Manderson,	Riddleberger,
Cameron of Wis.,	Garland,	Maxey,	Saulsbury,
Coke,	Groome,	Miller of Cal.,	Sawyer,
Conger,	Harris,	Morgan,	Williams.
Cullom,	Harrison,	Morrill,	
Dawes,	Jones of Florida,	Platt,	
Dolph,	McMillan,	Pugh,	

## ABSENT—35.

Aldrich,	Farley,	Lapham,	Sewell,
Allison,	Gibson,	McPherson,	Sherman,
Anthony,	Gorman,	Mahone,	Slater,
Beck,	Hale,	Miller of N. Y.,	Vance,
Bowen,	Hampton,	Mitchell,	Van Wyck,
Camden,	Hill,	Palmer,	Vest,
Cameron of Pa.,	Ingalls,	Pendleton,	Voorhees,
Cockrell,	Jones of Nevada,	Plumb,	Walker.
Fair,	Lamar,	Sabin,	

So the amendment was rejected.

Mr. HOAR. I ask unanimous consent to move an amendment in an amendment which has already been adopted on my motion, which I thought had been included. On the eighth page, eleventh section, in the definition of the term "school district," it reads:

The term "school district" shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools.

The Senator from Mississippi [Mr. GEORGE] says that there are other territorial subdivisions in some of the States, including his own, which are not corporations, which have not the power of suing or being sued. I move to insert after the word "parishes," in the thirteenth line, the words "and other territorial subdivisions."

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to amend section 11, line 13, as follows: After the word "parishes" insert "and other territorial subdivisions."

Mr. HOAR. I will have it read "territorial subdivisions for school purposes."

The PRESIDENT *pro tempore*. The Senator from Massachusetts modifies his amendment so as to read "and other territorial subdivisions for school purposes." The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SAULSBURY. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. RANSOM. I wish to say before I vote on this bill that I have received in common with my colleague—and I speak as well for him as I do for myself—the instructions of the last Legislature of North Carolina that we should vote for a bill of this character. I regret very much that there are provisions in this bill which are repugnant to my judgment and which I think greatly impair its value, but I feel called upon to vote for the bill. It is a bill in my judgment of most beneficent promise to the people of this country. ["Vote!"] I do not intend to make a speech.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that according to the understanding debate is not in order, all amendments having been disposed of.

Mr. RANSOM. I do not mean to debate. A great poet once said that it was human to hate those whom we have injured. I think he might have said with more truth that it is human to love those whom we have benefited; and if that sentiment be true, I believe the benignity and beneficence of this measure upon the people from whom I come and upon that section of the Union will have a better effect than anything else could have. I regret, as I said, that there are so many features in the bill which do not command the approval of my judgment; but I shall vote for it, first under the instructions of the Legislature of North Carolina, and second because I think it will do good.

I hope that future Congresses, if it becomes necessary, may remedy the evils; and still more, if it be allowable for me to say so, I do trust that in the course of this bill through Congress it will finally take such shape that the States shall receive this grand donation just as the States of the great West received the donation of the public lands, with full faith and confidence that the States themselves will do right in the use of the donation, and not be embarrassed by conditions which, in the judgment of some of us, perhaps the sensibilities of more of us, impair the value of the measure.

Mr. HARRIS. Mr. President, I hope the Senate will excuse the Senator from North Carolina for voting for the bill. [Laughter.]

Mr. COKE. Mr. President—

Mr. RANSOM. I hope the people of Tennessee will excuse the Senator from Tennessee for voting against the bill.

Mr. HARRIS. The people of Tennessee will take care of that.

Mr. RANSOM rose.

The PRESIDENT *pro tempore*. Senators will address the Chair and not speak until they are recognized.

Mr. RANSOM. The Senator from North Carolina—

The PRESIDENT *pro tempore*. The Senator from North Carolina will please suspend. Does the Senator from Texas yield to either Senator?

Mr. COKE. I do not, Mr. President. I simply desire to say that I regret extremely to differ as widely as I do with my friend from North Carolina. During the period that I have been a member of the Senate in

my humble judgment no bill has ever been introduced into this body and received its serious consideration fraught with so much evil to the country as this bill now about to pass. Mr. President, I can not hear myself.

The PRESIDENT *pro tempore*. The Senate will please be in order. The Chair will remark, as he did to the Senator from North Carolina, that according to the unanimous understanding debate is not in order, but it is in order, as the Chair thinks, under the rules of the Senate. The Chair mentioned the same thing to the Senator from North Carolina. The Senator from Texas is entitled under the rules to proceed.

Mr. COKE. I think, Mr. President, that I see in the future more trouble, more strife, that I see the fomentation of more difficulties between the two races in this country, and especially in the South, to arise from this bill than ever ensued from the reconstruction laws. I think I see a system of extravagance and corruption in the administration of common schools in this country beginning with the passage of this bill if it shall pass, removing as it will the management of these schools ultimately from the supervision of the people of the States to Federal supervision at this capital. I think I see more extravagance and corruption than has ever existed before in the management of a school system. I think I can see in the future great dissatisfaction among the people. I think, look where I will where this law will operate, that I can see only evil and no good.

I hope I may be mistaken if the bill shall pass. I hope that its passage, however, will be arrested in the other House of Congress; that the institutions of the people which have been reserved to their management in the States will by the House be preserved to them, and that the action of this body, if it shall so far forget what I believe to be its constitutional duty as to pass this bill, will pass for naught.

It is useless to look to the Senate any longer. The people must rely upon the House of Representatives if they would be saved the misfortune which in my judgment the passage of this bill will bring upon this country.

I have no more to say, Mr. President. I say this simply to express my utter dissent from the views of the honorable Senator from North Carolina, venturing, however, to express the hope that if the bill does pass I may prove to be mistaken.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. HAWLEY. Mr. President, I hate to take even a moment of time, but I will make just one or two observations.

The extent of illiteracy, so far as the future of the country is concerned, has been greatly exaggerated by the statistics spread before us, as it is quite possible to show mathematically. The total illiteracy of the country according to these tables is 15,128,578. The total of children enrolled in the public and private schools is 10,245,914; that is to say 67.7 per cent. of all the children in the country are enrolled. It has been the habit of those who defend such bills to say that therefore 32.3 per cent. are growing up without the possibility of knowing the English alphabet; but let me show in a single moment the gross mistake this is.

In some States the limit of school age is from 5 to 21; that is to say, the school life is sixteen years. It is obviously possible that the return of those States shall show that only one-half the children are enrolled in the public schools, and yet that every child in each of those States may go to school eight years and acquire a comfortable common-school education. There is where the error comes in in this reasoning. You may take the best system of education you please and you never can find that all the children of school age are enrolled. They come as near it perhaps in my State as any.

The average attendance is probably 10½ years out of the 12; therefore, with 67.7 of the children of the country enrolled, it is yet possible that every child may attend school 9 years and 7 months. The average school time in the country is 14.2 years. Every child, it may be, will attend 9 years and 7 months, and yet the returns show these frightful figures of illiteracy.

I do not deny that with the adult ex-slave population and with a large number of foreigners included in our census there are many adults who can not read or write; but the future of the children of the country was never so bright as it is to-day, and never growing brighter with more rapidity, growing by the very best possible means from the free heart and the generous exertion and self-sacrifice of the people; and the more you relieve them from it the less you strengthen and the more you weaken the public system of the country.

The money that comes from a long distance, that is not felt by the tax-payers, is money easily expended; and that may be said of the whole Federal revenue. Therefore we should be the more jealous as to what we do with it. It is as costly as if we took it by direct taxation right out of their pockets. I believe it has been said here, but if it has not it can be now, that if this money were to be levied by direct taxation this bill would not get ten votes in the Senate.

But I did not intend to make a speech, or even to say so much as this. I wish to close with just four lines from the address of the school superintendent in my State in opposing this general measure:

All experience teaches us that such distributions of public money are wasteful, that they give opportunities for jobbery and corruption, that they kill the very interests which they are planned to promote, and that they end in debauching the people with their own money.

God save that this is not true prophecy in this case.

Mr. HOAR. I desire before any other Senator takes the floor to enter my protest against the continuance of the debate.

The PRESIDENT *pro tempore*. The Chair has repeatedly stated that according to the understanding debate is exhausted. The Chair has no power to enforce this understanding of the Senate. The question is, Shall the bill pass? Is the Senate ready for the question? The yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On the passage of the bill I am paired with the Senator from Missouri [Mr. COCKRELL]. If he were present, I should vote for the bill.

Mr. BECK (when his name was called). On the passage of the bill I am paired with the Senator from Louisiana [Mr. GIBSON] who left the Chamber because he was not well. If present, he would vote "yea" and I should vote "nay."

Mr. KENNA (when Mr. CAMDEN's name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Kansas [Mr. INGALLS]. If the Senator from Kansas were here, my colleague would vote "yea" and the Senator from Kansas would vote "nay."

Mr. MORGAN (when Mr. FARLEY's name was called). The Senator from California [Mr. FARLEY] is absent from the Chamber. He is paired with the Senator from New York [Mr. LAPHAM]. If the Senator from California were here, he would vote "yea" and the Senator from New York would vote "yea."

Mr. FRYE (when Mr. HALE's name was called). On this vote my colleague [Mr. HALE] is paired with the Senator from Pennsylvania [Mr. MITCHELL]. If my colleague were here, he would vote "yea" and the Senator from Pennsylvania would vote "yea."

Mr. HAMPTON (when his name was called). I have been released from my pair with the Senator from Rhode Island [Mr. ANTHONY], and I shall vote for the bill. I shall do so actuated very much by the motives and with some of the feelings that have been so eloquently expressed by the Senator from North Carolina [Mr. RANSOM]. I vote "yea."

Mr. PLUMB (when the name of Mr. INGALLS was called). My colleague [Mr. INGALLS] is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were present, he would vote "nay."

Mr. LAMAR (when his name was called). On the passage of this bill I am paired with the Senator from New Jersey [Mr. McPHERSON]. If he were here, he would vote "yea" and I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "yea" and he would vote "yea."

Mr. RANSOM (when Mr. VANCE's name was called). As before stated my colleague [Mr. VANCE] if here would vote "yea." He is paired with the Senator from Kansas [Mr. PLUMB].

Mr. MANDERSON (when Mr. VAN WYCK's name was called). My colleague [Mr. VAN WYCK] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. GARLAND (when Mr. VEST's name was called). The Senator from Missouri [Mr. VEST] would vote "nay." He is paired with the Senator from Indiana [Mr. VOORHEES], who if here would vote "yea."

Mr. GARLAND (when Mr. WALKER's name was called). My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. The Senator from Oregon would vote "nay" and the Senator from Arkansas would vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. The Senator from Michigan [Mr. PALMER] is paired with the Senator from Minnesota [Mr. SABIN]. The Senator from Michigan, if present, would vote in favor of the bill, and the Senator from Minnesota would vote against it.

Mr. ALDRICH. On this question I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 33, nays 11; as follows:

#### YEAS—33.

Blair,	Edmunds,	Jones of Florida,	Pugh,
Brown,	Frye,	Kenna,	Ransom,
Call,	Garland,	Logan,	Riddleberger,
Cameron of Wis.,	George,	McMillan,	Sawyer,
Colquitt,	Hampton,	Manderson,	Williams,
Conger,	Harrison,	Miller of N. Y.,	Wilson.
Cullom,	Hoar,	Morrill,	
Dawes,	Jackson,	Pike,	
Dolph,	Jonas,	Platt,	

#### NAYS—11.

Bayard,	Groome,	Maxey,	Pendleton,
Butler,	Harris,	Miller of Cal.,	Saulsbury.
Coke,	Hawley,	Morgan,	

#### ABSENT—32.

Aldrich,	Fair,	Lamar,	Sewell,
Allison,	Farley,	Lapham,	Sherman,
Anthony,	Gibson,	McPherson,	Slater,
Beck,	Gorman,	Mahone,	Vance,
Bowen,	Hale,	Mitchell,	Van Wyck,
Camden,	Hill,	Palmer,	Vest,
Cameron of Pa.,	Ingalls,	Plumb,	Voorhees,
Cockrell,	Jones of Nevada,	Sabin,	Walker.

So the bill was passed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order, being Senate bill No. 1372, to establish a uniform system of bankruptcy throughout the United States.

Mr. BLAIR. I wish to move that the bill just passed be reprinted as amended before it is sent to the House.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the bill just passed be reprinted for the use of the Senate. Is there objection?

Mr. HARRIS. The bill will be engrossed to be sent to the House.

The PRESIDENT *pro tempore*. Is there objection to the order to re-print?

Mr. PLUMB and Mr. SAULSBURY. I object.

Mr. BLAIR. I hope there will be no objection made. This bill will be called for largely. The officers of the Senate came to me and said that it would be very necessary.

Mr. PLUMB. I do not withdraw my objection. It will be printed in the House. It just makes one entirely unnecessary print.

Mr. BLAIR. But it must be taken from the Speaker's table before it can be printed there.

The PRESIDENT *pro tempore*. Objection is made, and it is not open to debate.

Mr. BLAIR. I think the Senator will withdraw his objection.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes; in which it requested the concurrence of the Senate.

#### SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. The next special order will be stated. The CHIEF CLERK. A bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I move that the Senate do now adjourn.

The motion was agreed to; and (at 11 o'clock and 42 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 7, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WAIT, for ten days, on account of important business.

To Mr. ELLIOTT, indefinitely, on account of important business.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. HOUK, by unanimous consent, leave was given to withdraw the papers of J. D. Hale, now on file, having been heretofore referred to the Committee on War Claims in the Forty-seventh Congress.

#### CINCINNATI LAW LIBRARY.

Mr. JORDAN, by unanimous consent, introduced a joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library; which was read a first and second time.

Mr. JORDAN. I ask for the present consideration of the joint resolution.

The joint resolution was read, as follows:

*Resolved, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish and deliver to the Cincinnati law library two complete sets of the Reports of the Supreme Court of the United States, of the circuit and district courts of the United States, two complete sets of the Revised Statutes of the United States and Statutes at Large, a complete set of the Annals of Congress, of the Congressional Globe and the CONGRESSIONAL RECORD, and the Journals of the Senate and House of Representatives, and copies of any other documents and publications made by the United States or any of the Departments which can be supplied without inconvenience to the Government.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BEACH. I desire to inquire if that resolution has been before any committee of this House.

The SPEAKER. It has not.

Mr. BEACH. I think it should be referred to a committee.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

Mr. JORDAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.